

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.24751 of 2015

Suba Reddy Charities represented
by Managing Trustee A.J.Yuvaraj Reddy ... Petitioner

Vs.

1. Joint Commissioner of Police,
St. Thomas Mount, Chennai-600 016.
2. Inspector of Police,
Mount Police, Chennai-600 016.
3. Skalyanaraman
4. R.Sivaraman
5. Swayamorabha
6. Asankaranarayan
7. ATP Venkatachalapaty ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Inspector Mount Police to register a case in FIR No.841/2009 and after proper and through enquiry, submit final report.

For Petitioner :Mr.AJ.Yuvaraj Reddy (Party-in-person)

For respondents :Mr.C.Emalias, APP (for R1 & R2)

O R D E R

The present criminal original petition has been filed praying to direct the 2nd respondent-Police to investigate the matter in Crime No.841 of 2009 pending on his file and to file a final report.

2.The petitioner herein lodged a complaint with the 2nd respondent-Police stating that one Subba Reddy was a landlord in Alandur Village, having 13 acres 43 cents and he established Subba Reddy Charity and the said property was being dedicated for temple pooja and other purpose. The petitioner is grandson of the said Subba Reddy and he is a Managing Director of the said charity. The 6th respondent herein viz., Sankaranayaranan (A3) and 7th respondent Venkatachalapathy (A4) are also the Trustees of the said charity. The 3rd accused executed a sale deed in respect of a property of the said charity at Door No.81/50 in favour of one Joseph and another property at Door No.91/51 in favour of one Sundharam Iyyar (father of the 1st accused Kalyanaraman), for forty years on lease basis, without the knowledge of the petitioner/defacto-complainant. The said Joseph and Kalyanaraman trespassed into the said charity and converted the property as a factory, as a result of which, the Subba Reddy Charity suffered a heavy loss. Hence, the petitioner lodged a complaint with the respondent-Police against the accused persons viz., Kalyanaraman, Sivaraman, Sankaranarayanan and Venkatachalapaty before the respondent-Police. Based on the petitioner's complainant a case in Crime No.841 of 2009 under Sections 405, 406, 420, 425 & 463 IPC was filed on the file of the 2nd respondent-police. According to the petitioner, no further action has been taken by the 2nd respondent-police. Hence, he has come forward with the present petition before this Court.

3.The 2nd respondent-Police has filed a counter affidavit stating that based on the petitioner's complaint a case in Crime No.841 of 2009 was registered and the then Inspector of Police examined the petitioner and recorded his statement on 17.9.2010 and directed the petitioner to produce all the relevant documents of Subba Reddy Charity pertaining to the case. But, the petitioner did not produce the relevant documents and he did not co-operate with the further investigation in the case. However, the Inspector of Police went to the house of the petitioner and examined him and recorded his statement. During the investigation, the Inspector of Police had examined the following witnesses:

1.Tr.Annaduri - Assistant Commissioner, Corporation of Chennai, Zone-12, Chennai.

2.Tr.Mani & 3.Naina Mohamed (neighbours of the complainant-Trust).

The statements of the witnesses would reveal that the said Kalyanaraman is residing in the building mentioned in the complaint as a tenant from the year 1955 and the matter is purely civil in nature. Hence, the 2nd respondent-Police closed the case as 'Mistake of Fact' on 05.02.2014 and served the

R.C.S.No.1/2014, dated 5.2.2014 to the petitioner/defacto-complainant; but the petitioner refused to receive the same. Hence, the 2nd respondent-Police served the RCS notice to the petitioner by way of registered post, but the same was also refused by the petitioner. Hence, the 2nd respondent-Police filed final report along with un-served RCS Notice before the learned Judicial Magistrate, Alandur on 07.02.2014 and the same was received by the said Court vide No.787/2014. Thus, the respondents-police sought for dismissal of the petition.

4.Heard both sides and perused the materials available on record.

5.In view of the fact that the complaint has already been closed by the 2nd respondent-Police and RCS notice has also been filed before the concerned Court, at this stage, this Court cannot give any direction as sought for by the petitioner. It is for the petitioner to work out his remedy in the manner known to law.

Hence, this criminal original petition is dismissed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ssv

To

1. Joint Commissioner of Police,
St. Thomas Mount, Chennai-600 016.
2. Inspector of Police,
Mount Police, Chennai-600 016.
- 3.The Public Prosecutor, High Court, Madras.

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