

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.25681 of 2015

Mrs.C.Mujeetha Parveen ... Petitioner

Vs.

The State rep. by its
Inspector of Police (Crime),
P-6, Kodungaiyur Police Station,
Chennai-600 118. ... Respondent

Prayer: Petition filed under Section 482 of the Criminal
Procedure Code praying to direct the respondent-Police to
register the FIR on the complaint dated 24.08.2015 given by the
petitioner and to take action in accordance with law.

For Petitioner : Mrs.Wahida Begum

For Respondent : Mr.C.Emalias, APP

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ORDER

This petition has been filed praying to direct the
respondent-Police to register a case on the basis of the
complaint dated 24.08.2015 given by the petitioner and to take
action in accordance with law.

2.In the affidavit filed in support of the petition, it has
been stated by the petitioner that the petitioner's son viz.,
Mr.C.Fasiur Rahaman had entered into a sale agreement with one
Mr.V.Ranklin Thomas on 30.04.2008 to purchase the property
measuring an extent of 450 sq.ft. and the said V.Ranklin Thomas
had also agreed to sell the said property to the petitioner's
son, for a sale consideration of Rs.20 lakhs. On 30.04.2008,
the petitioner's son has paid Rs.10 lakhs towards a part of sale
consideration to the said V.Rankling Thomas and the balance
sale consideration of Rs.10 lakhs has to be paid by the
petitioner's son within three months from the date of sale

agreement. Thereafter, the petitioner's son arranged the balance sale consideration of Rs.10 lakhs, within three months and approached the said V.Rankling Thomas; but, he informed the petitioner's son that the said property has been mortgaged with the ICICI Bank, Ambattur Branch, for obtaining a loan of Rs.25 lakhs and he requested the petitioner's son to pay the said loan amount to the bank, by way of EMIs. The petitioner's son was also paying the EMI to the said Bank, as requested by the said V.Rankling Thomas. Subsequently, the petitioner came to know that the said V.Rankling Thomas has fraudulently sold the subject property to another person viz., one Sudhakar Reddy, with a view to cheat and defraud the petitioner's son. In this regard, on 24.08.2015 a complaint was lodged with the respondent-Police, which was received by the respondent-Police in C.S.R.No.697/2015. Since no action was taken by the respondent-Police, the petitioner has come forward with the present petition before this Court.

3.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

4.The learned Additional Public Prosecutor submitted that the matter is purely civil in nature and the petitioner has to work out his remedy before the Civil Court. Thus, he opposed to grant direction to the respondent-Police.

5.However, irrespective of the submissions made on either side, I find that the complaint lodged by the petitioner has been assigned CSR Number as C.S.R.No.104 of 2013. Hence, I direct the respondent-police to conduct enquiry in C.S.R.No.697 of 2015 and dispose of the same in accordance with law, as early as possible.

With the above direction, this criminal original petition is disposed of.

ssv

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai - 600 118.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.L.Gavaskar, Advocate SR 61553

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