

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.26109 of 2015

P.Jeeva

... Petitioner

Vs.

1. Deputy Commissioner of Police,
St.Thomas Mount, Chennai.

2. State
Inspector of Police,
Pallavaram P.S.,
Chennai.

3. Chandrasekaran ... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 2nd respondent to register a case under Section 420 of IPC on the basis of the complaint given by the petitioner dated 16.04.2015 and investigate and to file a final report.

For Petitioner : Mr.Gilbert C.Pereira

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed for a direction to direct the 2nd respondent to register a case under Section 420 of IPC on the basis of the complaint given by the petitioner dated 16.04.2015 and investigate and to file a final report.

2.In the petition it is stated that the petitioner is a widow and the owner of the property measuring 12675 sq.ft., in Old survey nos.341/52 part 324/9, New S.No.85 Block No.12, Ward No.B of Jamin Pallavaram Village. It is further stated that the third respondent/ proposed accused is a retired Assistant Commissioner of Police settled at Chennai after retirement and on 24.06.2000, while the third respondent was working as Inspector of Police (Crime) at Egmore Police Station approached the petitioner and agreed to purchase the above mentioned

property for a sum of Rs.65,00,000/- and paid a sum of Rs.21 Lakhs as advance. It is further stated that in respect of the same, sale agreement was executed between the petitioner and the wife of the third respondent and even after three years, he has not completed the said transaction and failed to pay the remaining amount. Hence, he agreed to cancel the sale agreement and the amount of Rs.21 Lakhs was also repaid to the third respondent.

3.It is further stated that after 15 days of the cancellation of the sale agreement, one Kadharmasthan, an agent of the third respondent approached the petitioner and promised her to sell the property for a sum of Rs.2 Crores and also falsely represented that the third respondent will render his assistance to correct the defects in the documents and to sell the property and believing his words, the petitioner had given all the original documents. In the meanwhile, the said Kadarmasthan obtained the signature of the petitioner in some blank stamp paper along with an unregistered Power of Attorney.

4.It is further stated that the third respondent without the knowledge of the petitioner purchased a portion of the said property measuring 3802 sq.ft. from the sister-in-law of the petitioner for a sum of Rs.40 Lakhs and the said sale deed has been registered through his Power Agent Mr.K.Kumar. Thereafter, on 28.05.2014, the third respondent with an intention to cheat the petitioner advised her to execute a registered Power of Attorney in favour of one R.Veerapandian, a close relative of the third respondent. Accordingly, believing the words of the third respondent, the petitioner also executed a Power of Attorney on 29.05.2014 in favour of the said Veerapandian and the said Veerapandian executed a sale deed in favour of the third respondent without any pay or valuable consideration for the property. Thus, the petitioner was cheated by the third respondent and hence a complaint was lodged to the first respondent and it was also enquired by the second respondent. Since the third respondent is a retired Assistant Commissioner of Police, the police is reluctant to register a case and no action was taken so far. Hence, this petition.

5.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

6.In view of the submissions made on either side, this Court directs the second respondent to conduct enquiry on the complaint dated 16.04.2015 lodged by the petitioner under the supervision of the Deputy Commissioner of Police, Mount Area and in case, on enquiry cognizable offence is made out, the second respondent is directed to register the case against the third respondent preferably within a period of six weeks from the date of receipt of a copy of this order.

7.With the above directions, the Criminal Original Petition is disposed of.

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Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Commissioner of Police,
St.Thomas Mount, Chennai.
2. The Inspector of Police,
Pallavaram P.S.,
Chennai..
3. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.Gilbert C.Periera, Advocate SR 60947

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