

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26388 of 2015

Mr.Nizamuddin @ M.Mohammed Marzook

... Petitioner

Vs.,

1.The Commissioner of Police,
Vepery, Chennai-600 007.

2.The Inspector of Police,
Central Crime Branch, (Land Grabbing Section),
Vepery, Chennai-600 007.

3.M.Siddhiq @ Abu Bakkar

4.Mrs.A.Mallikinisha,

5.V.Vadivelan ... Respondents/Accused

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the 2nd respondent to register the F.I.R. based on the complaint dated 28.08.2015 pending on the file of the 2nd respondent.

For Petitioner : Mr.T.Ramachandran

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

ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the 2nd respondent-Police to register a case on the basis of the petitioner's complaint dated 28.08.2015 given by the petitioner.

2.In the affidavit filed in support of this petition, it has been stated by the petitioner that from the year 1986 onwards,

the petitioner is residing in Saudi Arabia along with his family and carrying on hotel/restaurant business. When the petitioner wanted to invest money by purchasing land in and around Chennai, he was introduced by his brother Ziauddin to one Mr.Siddique @ Abu Bakkar and his wife Mrs.Mallikinsa. The said persons showed a copy of General Power of Attorney, registered in the office of Sub-Registrar, Saidapet vide Doc.No.3251/2013 and also a registered Sale Agreement Doc.No.2637/2013 pertaining to a property situated at Thoraipakkam. They joined with the other accused and cheated the petitioner by receiving money to the tune of Rs.1 crore. Hence, the petitioner lodged a complainant with the respondent-police. Since the petitioner's complaint was not taken on file by the respondent-Police, the petitioner has come forward with the present petition.

3.When the matter is taken up for consider, the learned Additional Public Prosecutor submitted that after conducting enquiry on the basis of the petitioner's complaint, the 2nd respondent-Police has already closed the complainant.

4.Since the complainant of the petitioner was already closed, this Court can not give a direction to the respondent-Police as prayed for by the petitioner. However, the petitioner is at liberty to work out his remedy under Section 154(3) or 156 (3) of Cr.P.C. before the appropriate forum, if he so desires.

Accordingly, the criminal original petition is dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Copy to_

- 1.The Commissioner of Police,
Vepery, Chennai-600 007.
- 2.The Inspector of Police,
Central Crime Branch, (Land Grabbing Section),
Vepery, Chennai-600 007.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Ramachandran, Advocate sr.61877

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srg 27/11/2015



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