

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27001 of 2015

Maria Sahaya Rathi

... Petitioner

Vs

1. The Superintendent of Police,  
Coimbatore District,  
Coimbatore.

2. The Inspector of Police,  
Pollachi Town Police Station,  
Pollachi,  
Coimbatore District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to pass an order of direction, directing the 2<sup>nd</sup> respondent to register a case based on the complaint of the petitioner dated 27.11.2014 within the time frame that may be stipulated by this Court.

For Petitioner : Mr.K.M.Venugopal

For respondents : Mr.C.Emalias,  
Addl.Public Prosecutor .

O R D E R

This petition has been filed to pass an order of direction, directing the 2<sup>nd</sup> respondent to register a case based on the complaint of the petitioner dated 27.11.2014 within the time frame that may be stipulated by this Court.

2. The petitioner is working as a Teacher in St.Lourdhu Annai Middle School, Pollachi. The petitioner's husband divorced her and she is living with her son at Pollachi. The petitioner purchased a house site Plot No.2 in Co-operative Nagar, Kuniamuthur Coimbatore. In order to put up a construction in the house, she obtained loan from LIC. Since the petitioner's son suffered from cancer, she spent huge amount for medical treatment and she was unable to pay the loan amount and her

property was put in auction by LIC in the year 2003. In order to redeem the property , the petitioner obtained loan of Rs.2 lakhs from one S.Louisa, wife of Paulraj and discharged the entire debt from LIC. After getting back the original sale deed for her house, the petitioner handed over the original sale deed to the said S.Louisa as security for the hand loan of Rs.2 lakhs. The said S.Louisa demanded huge interest. Accordingly, the petitioner paid Rs.10,000/- towards interest every month. The petitioner applied for General Provident Fund of only Rs.1,50,000/- and paid the said amount to S.Louisa and as such the balance was Rs.50,000/-. As the petitioner is unable to pay the balance Rs.50,000/-, she asked the said S.Louisa to return back the original sale deed, through which, she can manage to get loan from State Bank of India. But the said Louisa refused to return back the original sale deed. The petitioner approached her house owner one Mr.Selvaraj of Pollachi. He received the xerox copy of the sale deed and obtained signatures in blank papers from the petitioner and told her that he will settle the debt of Rs.50,000/- to Louisa after disposing the petitioner's property. In order to settle her loan, the petitioner executed a power of attorney in favour of one Selvaraj, her house owner. The said Selvaraj sold the property to third party and swindled the amount without paying the sale consideration to the petitioner. Hence, the petitioner has lodged a complaint.

3. Learned Public Prosecutor submitted that the matter appears to be civil in nature and the civil suit is also pending before this Court.

4. Learned counsel for the petitioner denies the same. He submitted that the civil suit was filed by the purchaser of the property. Thus, he sought for the direction as prayed for.

5. This Court, without going into the merits of the claim made on either side, directs the respondent police to consider the complaint dated 27.11.2015 made by the petitioner and dispose of the same as early as possible.

6. The criminal original petition is disposed of accordingly.

Sd/  
ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsi

To

1. The Superintendent of Police,  
Coimbatore District,  
Coimbatore.
2. The Inspector of Police,  
Pollachi Town Police Station,  
Pollachi,  
Coimbatore District.
3. The Public Prosecutor,  
High Court,  
Madras.

+1 CC to MR.K.M.Venugopal Advocate. SR.NO. 64592

Crl.O.P.No.27001 of 2015

CO-PVR  
JD 17/12/2015



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