

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27157 of 2015

D.Anandan

...Petitioner

Vs.

State rep. By
Inspector of Police,
H-6, Radhakrishnan Nagar Police Station,
Korukkupet,
Chennai 600 021.

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register a case on the basis of the complaint dated 14.10.2015, investigate and file a Final Report under Section 173 Cr.P.C.

For Petitioner : Mr.Ramesh Kumar Chopra

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition is filed seeking a direction to the respondent police to register a case on the basis of the petitioner's complaint dated 14.10.2015, investigate and file a Final Report under Section 173 Cr.P.C.

2. In the affidavit filed by the petitioner, it is stated that one Shivashankar, residing at No.70/1-E, Mahatma Nagar, Vivandapuram, Saravanapatti, Coimbatore-35 was introduced to the petitioner by one Latha, residing at No.13, Indra Nagar,

Kasimedu, Royapuram, Chennai-13. The said Shivashankar informed the petitioner that he intends to sell the land and building situated at Door No.1A, Plot No.108, Keshavmudali Street, Tondiarpet, Chennai - 81, belonging to him and that the said property was free from charges. Further informing that he is in urgent need of Rs.7,00,000/-, he insisted the petitioner to pay a sum of Rs.7,00,000/- immediately and the sale price was fixed at Rs.34,00,000/-. The said Shivashankar and Latha, promising to hand over the property documents to the petitioner after some time and also informing that the land and building were not under acquisition by Metro Rail, lured the petitioner to pay a sum of Rs.7,00,000/- towards advance.

3. On 01.12.2014, the petitioner was made to enter into a sale agreement, in which the said Latha signed as witness and Rs.7,00,000/- was taken from the petitioner towards advance. Though, the agreement was only for three months, since documents relating to the property were not handed over to the petitioner for inspection of title, the petitioner asked Shivashankar to return the advance money of Rs.7,00,000/-. According to the petitioner, instead of repaying the amount, the said Shivashankar sent rowdy elements and threatened him. When the petitioner contacted Latha and informed about the fraud committed by Shivashankar, she requested the petitioner not to file any complaint against them and issued a cheque for Rs.7,00,000/- towards the advance money. But, when the cheque was presented for realization, the same was returned dishonoured with an endorsement 'insufficient funds'. Hence, the petitioner has come up with this petition.

4. Heard both sides.

5. Learned Additional Public Prosecutor submitted that the petitioner has to work out his remedy by filing a private complaint under Section 156 Cr.P.C.

6. In view of the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the respondent to conduct an enquiry on the petitioner's complaint dated 14.10.2015 and proceed further in accordance with law, as early as possible. The petitioner is also directed to co-operate with the enquiry.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

aeb

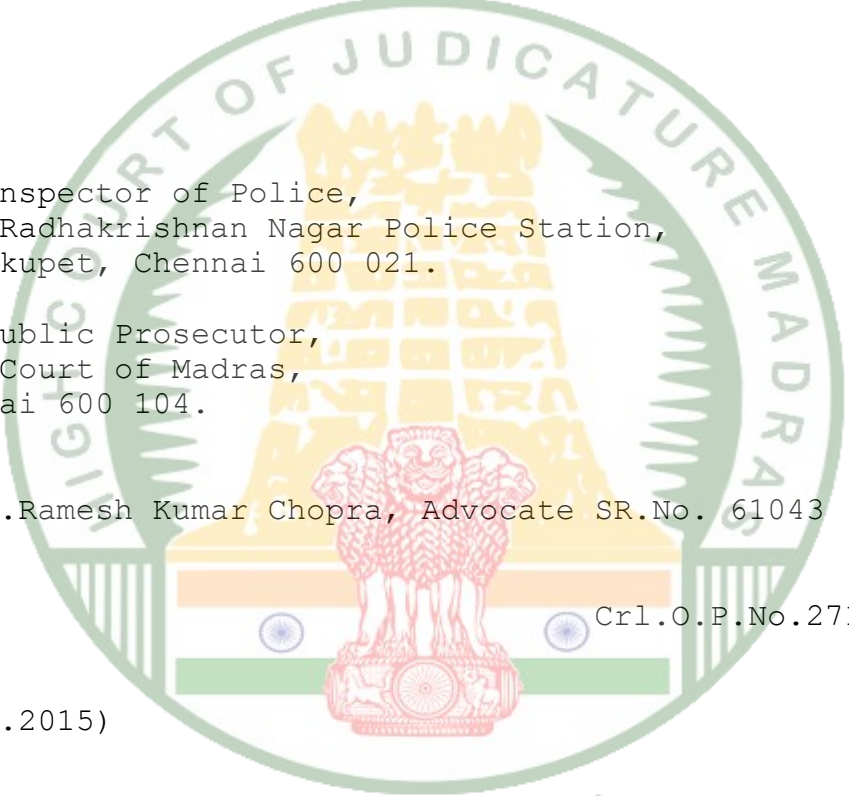
To

1. The Inspector of Police,
H-6, Radhakrishnan Nagar Police Station,
Korukkupet, Chennai 600 021.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

1 CC to Mr.Ramesh Kumar Chopra, Advocate SR.No. 61043

CrI.O.P.No.27157 of 2015

SAI (CO)
PSI (07.12.2015)



सत्यमेव जयते

WEB COPY