

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27254 of 2015

S.Kumudavalli

... Petitioner

Vs

State: rep. by
The Inspector of Police (Crimes),
G.5 Secretariat Colony Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondent to register the complaint dated
9.9.2015 given by the petitioner.

For Petitioner : Mr.K.Gajendiran

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

ORDER

The present criminal original petition has been filed
seeking a direction to the respondent to register the complaint
dated 9.9.2015 given by the petitioner.

2. In the petition, it is averred that the petitioner is the absolute owner of the property bearing No.17/2, Diwan Shanmugam Street, Kilpauk, Chennai-10. Since she need funds for payment of certain debts and for maintaining day to day affairs, she approached a finance broker viz., Jayasankar and the said Jayasankar agreed to arrange loan of Rs.25,00,000/- from one Venkatarathinam and the said Venkatarathinam agreed to lend a sum of Rs.15,00,000/- by mortgaging the house property and a sum of Rs.10,00,000/- on unregistered loan agreement. Accordingly, on 3.9.2015, a mortgage deed was executed and registered as document No.4080/15 on the file of SRO, Purasaiwalkkam. But, the said Venkatarathinam has not paid the loan amount. However, he has already obtained the original title deed of the petitioner's property. Since the said Venkatarathinam has not paid the loan amount, the petitioner and her husband approached the Sub Registrar, Purasaiwalkkam and explained the facts to him

and requested him not to give the mortgage deed to her. Thus, the said Jayasankar colluding with the said Venkatarathinam, cheated the petitioner. Hence, the petitioner gave a complaint dated 9.9.2015 to the respondent as against the said persons. But, till date, no action was taken on the said complaint. Hence, the present petition.

3. Learned Additional Public Prosecutor submitted that the complaint dated 9.9.2015 lodged by the petitioner appears to be civil in nature. However, the said complaint has been assigned CSR Number as C.S.R.No.781 of 2015.

4. Considering the facts and circumstances of the case and considering the fact that the complaint lodged by the petitioner dated 9.9.2015 has been assigned CSR Number as C.S.R.No.781 of 2015, this Court directs the respondent to conduct enquiry in C.S.R.No.781 of 2015 and dispose of the same in accordance with law, as early as possible, preferably within two months from the date of receipt of a copy of this order. This criminal original petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

1.The Inspector of Police (Crimes),
G.5 Secretariat Colony Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Gajendran, Advocate, sr.61253

CrI.O.P.No.27254 of 2015

sv co
kra 07.12.2015