

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28259 of 2015

A.Mahendar Salaani

... Petitioner

Vs

State rep. By

The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram & District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the case based on the petitioner's complaint dated 03.07.2015 in CSR.No.370 of 2015 and investigate the same file the final report within stipulated period.

For Petitioner : Mr.G.Anabayachozhan

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

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the petitioner's complaint dated 03.07.2015 in CSR.No.370 of 2015, investigate the same and file a final report within stipulated period.

2.The case of the petitioner is that the petitioner is running a two wheeler show room at Kancheepuram. At that time, one Vasu, Siva, Senthilnathan had approached the petitioner stating that their friend is having a plot at Nambi Street and the same was ready for sale. Believing their wordings, the petitioner had paid a sum of Rs.61 lakhs for sale consideration, the land owner V.Prasad Rao, executed a sale deed in the name of one Gopalraj Brohit, who was working in the petitioner's show room. Subsequently, when the petitioner approached the revision authority for change of revenue records, the petitioner came to know that the land belonged to some other person. Thereafter only the petitioner had released all the three accused viz., Vasu, Siva and Senthilnathan, colluded with

Prasad Rao and cheated him by using fabricated documents. When the petitioner asked the accused persons to return the sale consideration, they abused the petitioner in filthy language and threatened with dire consequences and also assaulted him. Hence, the petitioner lodged a complaint before the respondent police. On receipt of the same, C.S.R.No.370 of 2015 has been assigned. But, no action has been taken so far. Hence, the present criminal original petition has been filed.

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

3.The learned Additional Public Prosecutor submitted that the land belongs to the temple, but, this petitioner, without verifying the encumbrance certificate, purchased the property. Therefore, the petitioner has to work out his remedy only before the civil Court. He further submitted that on receipt of the complaint, CSR No.370 of 2015 has been assigned and the matter is pending for enquiry.

4.In view of the submissions made on either side, this Court directs the respondent police to conduct enquiry on the complaint of the petitioner in C.S.R.No.370 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible and if no prima facie case has been made out, the respondent is at liberty to pass appropriate order on the complaint given by the petitioner.

5. This criminal original petition is disposed of accordingly.

vs/ari

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram & District.

2. The Public Prosecutor, High Court, Madras.

kgk(co)
prk29/12

Cr1.O.P.No.28259 of 2015