

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28700 of 2015

T.R.Govindan

... Petitioner

Vs

1. The Inspector of Police,
Land Grabbing Special Cell - 1,
Central Crime Branch, Vepery,
Chennai.

2. R.Palani

3. The Commissioner of Police,
Commissioner's Office, Chennai.
(3rd respondent is impleaded as per
order dated 9.12.2015 by this court
in M..No.1/2015)

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the 1st respondent herein to file an F.I.R. on the
basis of the petitioner's complaint dated 04.09.2015, take
action as per law.

For Petitioner : Mr.V.Gopinath, S.C.
for Mr.V.Ravi

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

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O R D E R

This petition has been filed to direct the 1st respondent
herein to file an F.I.R. on the basis of the petitioner's
complaint dated 04.09.2015 and to take action as per law.

2. In the petition, it has been stated that the second respondent one Palani is doing real estate work. He approached the petitioner through one Elangovan, his friend Mahesh and one Uresh Kumar, Pastor of their church, for sale of property in Mogappair village of an extent of 1 ground, for which, a power of attorney dated 11.11.2014 was executed by the owner of the land K.Ganesan. On 20.11.2014, an agreement was made between the petitioner and the said Palani for the sale of property. Since the said Palani insisted for the registration of the agreement of sale, they went to Sub-Registrar's office, Konnur and the registration formalities have been completed. Later, the petitioner came to know that the document registered on 20.11.2014 is not an agreement of sale but a sale deed in favour of third party one R.Ganesan. Since the petitioner did not know English, he has been cheated by the 2nd respondent. He trusted the 2nd respondent and dealt with the property bonafidely and received Rs.75 lakhs and two post dated cheques, one in Petitioner's name and another in K.Ganesan's name for Rs.50 lakhs each were given by the 2nd respondent. The cheque has bounced and the money has been given to K.Ganesan, Elangovan, his friend Mahesh and Uresh Kumar. Hence, the petitioner has given a complaint to the 1st respondent police as against the second respondent on 04.09.2015 but the 1st respondent has returned the same. Hence, the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the petitioner is an accused in Crime No.93 /2015 for the alleged offence under sections 419, 465, 467, 468, 471 and 420 IPC and there are three accused and the petitioner is arrayed as the second accused. The said complaint was lodged by one Ganesan stating that this petitioner impersonated the said Ganesan and obtained power of attorney and only as a counter blast, this complaint has been filed.

4. Learned counsel for the petitioner denies the same. He further submitted that the complaint lodged by the petitioner was returned by the respondent police. Hence, the petitioner, left with no other option has filed the present petition.

5. Learned Additional Public Prosecutor submitted that as on date, the complaint given by the petitioner is pending before the respondent police.

6. Therefore, without going into the merits of the allegations made in the petition, this Court directs the petitioner to give a fresh complaint along with a copy of this order to the Deputy Commissioner of Police, CCB, Chennai. On receipt of the same, the Deputy Commissioner of Police, CCB, Chennai, is directed to conduct an enquiry on the complaint given by the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

7. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector of Police,
Land Grabbing Special Cell - 1,
Central Crime Branch, Vepery,
Chennai.
2. The Commissioner of Police,
Commissioner's Office, Chennai.
3. The Deputy Commissioner of Police,
CCB, Chennai
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ravi, Advocate, S.R.No.66004

MG(CO)
CA(16/12/2015)

Cr1.O.P.No.28700 of 2015