

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28717 of 2015

R.Ganesh

... Petitioner

..Vs..

The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent herein to register the complaint of the petitioner dated 21.05.2014.

For Petitioner : M/s.Nithyaesh and Vaibhav
For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondent herein to register the petitioner's complaint dated 21.05.2014.

2. In the affidavit accompanying this petition, it is stated that the petitioner purchased the property situated at Plot No.117, measuring an extent of 800 sq. ft. at Haritha Enclave, Tambaram Village, Saidapet Taluk, Chengai M.G.R. District from M/s.Blue Jagers Estates Ltd., Chennai vide sale deed registered as Document No.4153 of 1996 in the office of the Sub-Registrar, Tambaram and is in peaceful possession and enjoyment of the same. In the meanwhile, he shifted his residence to Delhi-Gurgaon in 1998. While so, when the petitioner applied for Encumbrance Certificate in the year 2014, he was shocked to note that the said property was sold by Indian Bank to M/s.Thangamani Property Developers Pvt. Ltd. In this regard, the petitioner lodged a complaint to the respondent police on 21.05.2014. It is the grievance of the petitioner that the said complaint has not yet been registered. Hence, having no other alternative, the petitioner has come up with the present Criminal Original Petition seeking a direction to the respondent police to register his complaint.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner's complaint has been closed, since SARFAESI proceedings is pending. He also produced the Closure Report before this Court.

5. Taking note of the said submissions, as the petitioner's complaint has been closed, nothing further survives for consideration in this matter. Accordingly, this Criminal Original Petition is dismissed. A copy of the Closure Report shall be furnished to the petitioner.

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s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To :

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.
2. The Public Prosecutor,
High Court, Madras.

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