

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28721 of 2015

Dr.M.Moorthy

... Petitioner

Vs

State rep. By
Inspector of Police,
Land Grabbing Cell,
Erode.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register a case based on the petitioner's complaint dated 30.10.2014.

For Petitioner : Mr.A.Ashok kumar

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 to register a case in pursuance of the petitioner's complaint dated 30.10.2014.

2. In the petition, it has been stated that the petitioner is the Managing Trustee of the Good Shepherd Educational trust. In the year 2003, the Trust purchased lands in Erode so that the trust shall construct own building for the colleges namely Don Bosco Teacher's training Institute and St.Mary's College of Education, since they are running in a rental premises. For the purpose of constructing a building, the petitioner obtained loan from M/s Lord Krishna Bank and M/s Maharashtra Bank. Even then when the petitioner required further amount, the petitioner obtained loan of Rs.30,00,000/- from one Raja and his brother Loganathan and executed a Mortgage deed dated 14.10.2010, thereby the petitioner mortgaged the property of 2 acres of land belongs to Don Bosco Teacher's Training Insitute in favour of the said Raja and Loganathan. Though the petitioner paid the interest to the said Raja and Loganathan, they demanded and compelled to return the principal amount along with interest.

Further the said Raja and Loganathan along with one Palanisamy and Rajkumar induced and compelled to take another loan from two persons namely Lalith Jain and his son Vijay Jain thereby rearranged the earlier mortgage deed dated 14.10.2010. From the said rearranged mortgage, the petitioner received Rs.40,00,000/- as loan amount. The petitioner is unable to repay the loan amount and its interest, hence the said Lalith Jain and Vijay Jain demanded and threatened their principal amount along with interest. While so, on April 2014 the petitioner and his family members were kidnapped by the said Lalith Jain and Vijay Jain with the help of henchmen and rowdy elements. They also obtained signature of the petitioner in blank document papers and in pro-note. Hence a complaint was lodged by the petitioner on 30.10.2014 but till date no action was taken. Therefore the present criminal original petition has been filed.

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

4. Considering the submissions made on either side, this Court directs the petitioner to give a fresh complaint within a period of one week from the date of receipt of copy of the order and on receipt of such complaint, the respondent police is directed to conduct an enquiry and if there are materials indicating commission of offence, the respondent is also directed to investigate the matter and proceed further in accordance with law, as early as possible.

5. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Inspector of Police,
Land Grabbing Cell,
Erode.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S. Ashok Kumar, Advocate Sr.65863

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KSJ(CO)
Eu 28.12.15



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