

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28877 of 2015

P.Rajendran

... Petitioner/Complainant

Vs

1.State represented by
The Assistant Commissioner of Police,
Porur, Chennai.

2.State represented by
The Inspector of Police,
Porur Police Station,
Chennai.

3.R.Saravanan

... Respondents /
Complainant/Accused

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register the complaint dated 30.10.2015 given by the petitioner and to investigate in C.No.3486/COP/Visitors/2015 pending on the file of the second respondent, Inspector of Police, Porur Police Station, Chennai.

For Petitioner : Mr.G.Saravanakumar

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor
for R.1 and R.2

ORDER

The present criminal original petition has been filed seeking a direction to the second respondent to register the complaint dated 30.10.2015 given by the petitioner and to investigate in C.No.3486/COP/Visitors/2015 pending on his file.

2. In the petition, it is averred that the petitioner has borrowed a sum of Rs.50,000/- from the third respondent, for which he has entrusted the documents of his immovable property with him as security. Since the petitioner was not in a position to pay the interest, the third respondent demanded exorbitant interest. So far, the petitioner has paid a sum of Rs.2,00,000/- towards principal and interest. When the petitioner insisted the third respondent for cancelling the mortgage and for redemption, he refused to do so. Further, the third respondent has constructed an unauthorised building on the land of the petitioner and thereby tried to grab his land. Hence, the petitioner lodged a complaint before the Commissioner of Police on 30.10.2015 and the same was forwarded to the Deputy Commissioner of Police, who in turn forwarded the same to the first respondent and the first respondent forwarded the same to the second respondent. But, till date, the second respondent has not registered a case on his complaint and no action was taken on the complaint. Hence, the present petition.

3. When the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the present complaint has been given only to get back the documents of the petitioner, which are alleged to be in the office of the third respondent and therefore, the said offence will not fall within the ambit of the respondent police.

4. However, learned counsel appearing for the petitioner denied the said submission and contended that there is an allegation of demanding exorbitant interest as well as harassment given by the third respondent.

5. Considering the submissions made on either side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to furnish a copy of the complaint dated 30.10.2015 to the second respondent within a period of one week from the date of receipt of a copy of this order, along with a copy of this order.

(ii) On receipt of the same, the second respondent is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then the second respondent is directed to proceed further in accordance with law, as early as possible.

6. The criminal original petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Assistant Commissioner of Police,
Porur, Chennai.
 - 2.The Inspector of Police,
Porur Police Station,
Chennai.
 3. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.G.SaravanaKumar Advocate sr.65233

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