

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28921 of 2015

N. Basheer Ahmed

... Petitioner

Vs

The State of Tamil Nadu,
rep. By the Inspector of Police,
D-1, Triplicane Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a case on the complaint of the petitioner dated 21.04.2015 and investigate the same in accordance with law.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

This petition has been filed to direct the respondent to register a case on the complaint of the petitioner dated 21.04.2015 and investigate the same in accordance with law.

2. The friend of the petitioner, Rajah Sultan Ahmed, convinced the petitioner to purchase a property at Periyar pathai, Choolaimedu for Rs.44 lakhs which was brought to auction by M/s. Sree Varatharaja Benefit Fund Ltd., during August 2013, and ensured that he will participate in the auction on behalf of the petitioner. Believing his words, the petitioner agreed to purchase the property and accordingly, he issued two demand drafts bearing Nos.3159185 and 3159186 of M/s.Central Bank, Main Branch, dated 03.08.2013 for Rs.9,00,000/- and Rs.3,00,000/-

respectively and remitted towards earnest money deposit to M/s. Sree varadharaja benefit Fund Ltd. On 07.08.2013, the petitioner transferred Rs.11,40,000/- by RTGS to the account of Mr.Rajah Ameer Sulthan on his instruction. Rajah Ameer Sulthan collected Rs.3,80,000/- as advance towards miscellaneous expenses. On suspicion, the petitioner enquired with M/s.Sree Varadharaja Benefit Fund Ltd. and came to know that the accused, instead of remitting Rs.11,40,000/-, he issued a cheque to the benefit fund which was subsequently dishonoured on presentation. The two demand drafts valued Rs.10,40,000/ submitted to the benefit fund were also collected by the mother of Rajah Sultan Ahmed. The petitioner preferred a complaint on 21.04.2015 before the respondent for breach of trust and misappropriation to the tune of Rs.25,40,000/-. Since no action has been taken so far, the present petition has been filed.

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

4. Learned additional Public Prosecutor submitted that the matter is purely civil in nature and he opposed this petition.

5. However, learned counsel for the petitioner denied the same and submitted that there is an element of cheating on the part of the counter petitioner.

6. Considering the submissions made on either side, this Court directs the respondent police to conduct an enquiry on the complaint of the petitioner dated 21.04.2015 and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. 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(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

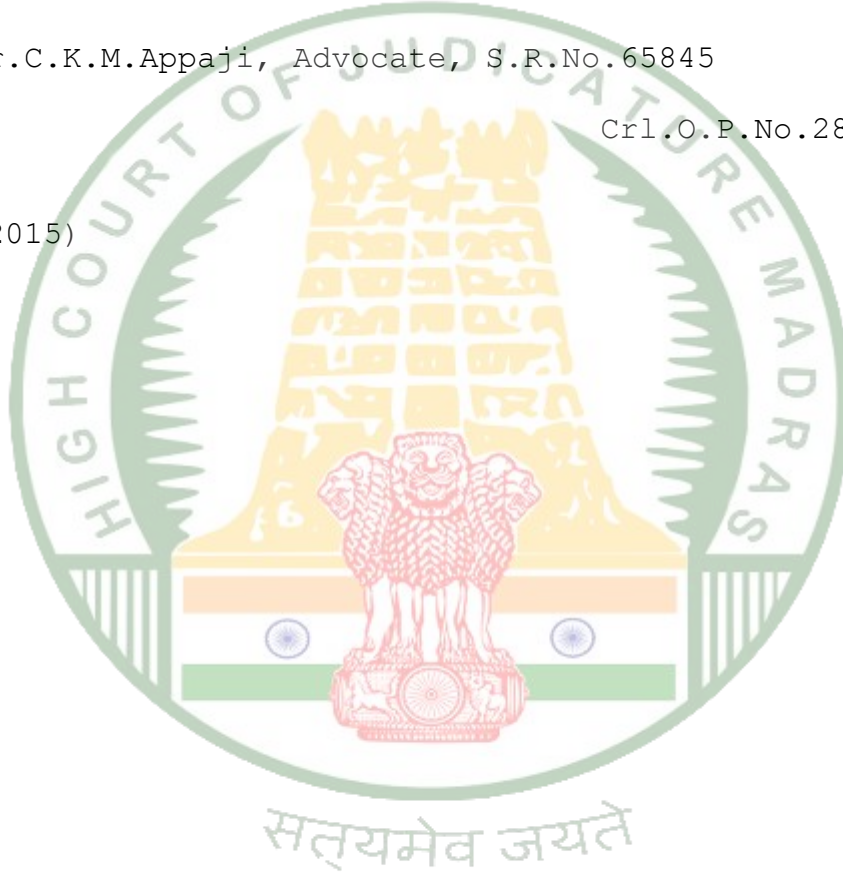
To

1. The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.65845

CrI.O.P.No.28921 of 2015

SKV(CO)
CA(18/12/2015)



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