

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29091 of 2015

1. S.Karthick
2. J.Mekala ... Petitioners

vs

1. The Commissioner of Police,
Commissionerate Office,
Vepery, Chennai.
2. The Inspector of Police,
Sevvapet Police Station,
Sevvapet, Thiruvallur. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent police to take action and to investigate the matter on the complaint given by the petitioners by way of Registered Post with acknowledgement dated 13.11.2015.

For Petitioners : Mr.C.Srinivasan

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the 2nd respondent police to take action and to investigate the matter on the petitioners' complaint dated 13.11.2015.

2. According to the petitioners, who are husband and wife, they paid a sum of Rs.1,00,000/- on 26.11.2014 as advance towards purchase of a flat from VGN Homes Pvt. Ltd. and received receipt on 03.12.2014 and also received allotment letter on 02.12.2014. To their shock and dismay, the petitioners were informed by the Builders that their Bank Loan approval was rejected, but the advance amount was not returned to the petitioners till date. It is also the grievance of the petitioners when they have asked for return of advance amount, the said Builder threatened them with dire consequences. Hence,

the petitioners sent a complaint to the respondent police on 13.11.2015 through Registered Post. Since no action is taken by the respondent police on the said complaint, having no other alternative, the petitioners have come up with the present Criminal Original Petition.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned Additional Public Prosecutor would submit that no complaint by the petitioners is available with the respondents and that if a fresh complaint is given to the respondents, the same will be taken up for consideration.

5. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the petitioners to send a fresh complaint along with a copy of this order to the 2nd respondent and on receipt of the same, the 2nd respondent is directed to conduct enquiry and upon enquiry, if he comes to a conclusion that no prima facie case is made out to register the complaint, he is directed to pass appropriate orders on the petitioner's complaint.

This Criminal Original Petition is disposed of accordingly.

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-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To :

1. The Commissioner of Police,
Commissionerate Office,
Vepery, Chennai.
2. The Inspector of Police,
Sevvapet Police Station,
Sevvapet, Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C.Srinivasan, Advocate SR 67464

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