

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30321 of 2015

Mrs.D.Manonmani

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

2. The Deputy Commissioner of Police,
Central Crime Branch,
Chennai District,
Office of the Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

3. The Inspector of Police,
Law and Order,
F2- Chintadripet Police Station,
Chintadripet,
Chennai-600 002.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Respondents to register a case against Mrs.M.Lakshmi and her husband R.Mani residing at Door No.18/33, Nainiappan Street, Chintadripet, Chennai-600 002 on the basis of the petitioner's complaint dated 22.06.2015 and forward to the 3rd Respondent through 2nd Respondent in accordance with law.

For Petitioner : Mr.G.Jayachandran

For respondents: Mr.C.Emalias,

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction directing the Respondents to register a case against Mrs.M.Lakshmi and her husband R.Mani residing at Door No.18/33, Nainiappan Street, Chintadripet, Chennai-600 002 on the basis of the petitioner's complaint dated 22.06.2015 and forward to the 3rd Respondent through 2nd Respondent in accordance with law.

2. Heard both sides.

3. The petitioner is a retired Government employee and the counter petitioners are one Lakshmi and Mani who are spouses. The petitioner lodged complaint against the above persons alleging that the petitioner had entered into a lease agreement with the above said persons on 2.11.2012 for letting out a first floor portion belonging to them and in pursuant of which, the petitioner had paid Rs.5,00,000/- as advance towards lease amount on 2.11.2012. Subsequently, on 26.11.2012, the petitioner had paid a further sum of Rs.2,00,000/- being a portion of the amount towards the total premium amount of Rs.13,00,000/-. The above said Mani and Lakshmi insisted the petitioner to make payment of Rs.7,00,000/- to them so as to enable them to repay the advance amount to the erstwhile lessee and also to enable them to repair the portion to be let out to the petitioner and after completion of repair works, they will receive the remaining balance amount of Rs.6,00,000/-. After receipt of total amount of Rs.7,00,000/- the said persons have failed and neglected to repair the premises to be let out to the petitioner and when the petitioner insisted them to complete the repair work and hand over the vacant possession of the premises, they gave evasive reply and have been seeking extension of time to complete the repair works up to three months till February 2013. Hence she expressed her intention not to pay the balance amount of Rs.6,00,000/- and also demanded for return of lease amount of Rs.7,00,000/- and when they evaded payment, she presented the cheques obtained by her earlier from the counter petitioners with the Bank and the same were dishonoured. On enquiry, it came to light that the counter petitioners were in a habit of taking huge money under the guise of letting out the portion on long lease and subsequently cheated few of the innocent persons. Since they failed to repay the amount received from the petitioner, the petitioner lodged a complaint with the first respondent on 22.6.2015 and the said complaint was forwarded to the 2nd respondent and the 2nd respondent, inturn, directed the petitioner to approach the third respondent, under whose jurisdiction, the subject matter of the property falls.

4. Learned counsel for the petitioner submitted that though the complaint was given as early as on 22.6.2015, till date, no action has been taken on the said complaint.

5. Learned Additional Public Prosecutor submitted that the counter petitioners have given a letter of undertaking stating that they are prepared to lease out their portion to the petitioner herein to run her clinic and based on the said letter of undertaking, the petitioner has requested the respondent police not to take any further action against the counter petitioners and in view of the same, the complaint was closed. He has also produced the closure report to that effect.

6. However, learned counsel for the petitioner denies the same.

7. In view of the submission of the learned Additional Public Prosecutor, since already the complaint has been closed in view of the undertaking given by the counter petitioners, nothing survives in this petition. Hence this Criminal Original petition is closed. However, the petitioner is granted liberty to work out her remedy under Section 156(3) of Cr.P.C.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

2. The Deputy Commissioner of Police,
Central Crime Branch,
Chennai District,
Office of the Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

3. The Inspector of Police,
Law and Order,
F2- Chintadripet Police Station,
Chintadripet,
Chennai-600 002.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.G. Jayachandran, Advocate Sr.

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PPA(CO)
EU 21.1.16