

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8442 of 2015

Goa Ocenarium Privaate Limited
Rep by Mr.N.Arul
S/o Thiru Natarajan
No.304 & 305 Anna Salai
Theynampet
Chennai 600 018.

..Petitioner

Vs

State rep by
The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai 600 007.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register the complaint made by the petitioner dated 12.03.2015.

For Petitioner : Mr.D.Veerasekaran
For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondent police to register the complaint made by the petitioner dated 12.03.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is case of the petitioner that one Dhayalan represented to the petitioner that he is his agreement holder in respect of some lands belonging to one Samikannu and others in Iyanpakkam village and that he is willing to sell the same to the petitioner. Accordingly, the petitioner herein appears to have paid a total sum of Rs.1,69,00,000/- on various dates by way of Demand Draft and cheque directly to the alleged land owners and also to the said Dhayalan. In the complaint dated 12.03.2015 given by the complainant, he has given the entire details with regard to the payment that were made as aforesaid. Now it is the case of the petitioner that after having

received such a huge amount, the said Dhayalan and the land owners neither conveyed the property nor returned the amount to the petitioner and hence he had lodged the present complaint.

4. Learned Additional Public Prosecutor submitted that the complaint given by the petitioner was enquired into by Mr. Murugesan, Inspector of Police and it was closed on 03.04.2015 and he also submitted a copy of the Closure Report.

5. On a reading of the Closure Report, it is seen that the complaint has been closed on the short ground that, the petitioner has not produced any materials to show that he has paid the sum of Rs.1,69,00,000/- to Dhayalan and others as averred in the complaint. But, on a prima facie reading of the complaint itself it is seen that the petitioner has given the complete description about the manner in which he has made the payments to the land owners and the said Dhayalan. Therefore, this Court is of the view that the complaint of the petitioner has been perfunctorily closed without proper investigation.

6. It will serve the interest of justice if the case is investigated by an Assistant Commissioner of Police. It is seen that the report given by the Inspector of Police has been accepted by the Assistant Commissioner of Police, EDF-III, Vepery, Chennai. Under such circumstances, it will be in the interest of justice if the Commissioner of Police, Chennai is directed to nominate a competent Officer in the rank of Assistant Commissioner of Police with impeccable integrity and enquire into the complaint dated 12.03.2015 lodged by the petitioner and if any cognizable offence is made out, the Assistant Commissioner is directed to investigate the complaint and act in accordance with the law as laid down by the Honourable Apex Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)].

Accordingly, this petition is closed.

gms

sd/-

Assistant Registrar

True copy

Sub Assistant Registrar.

To

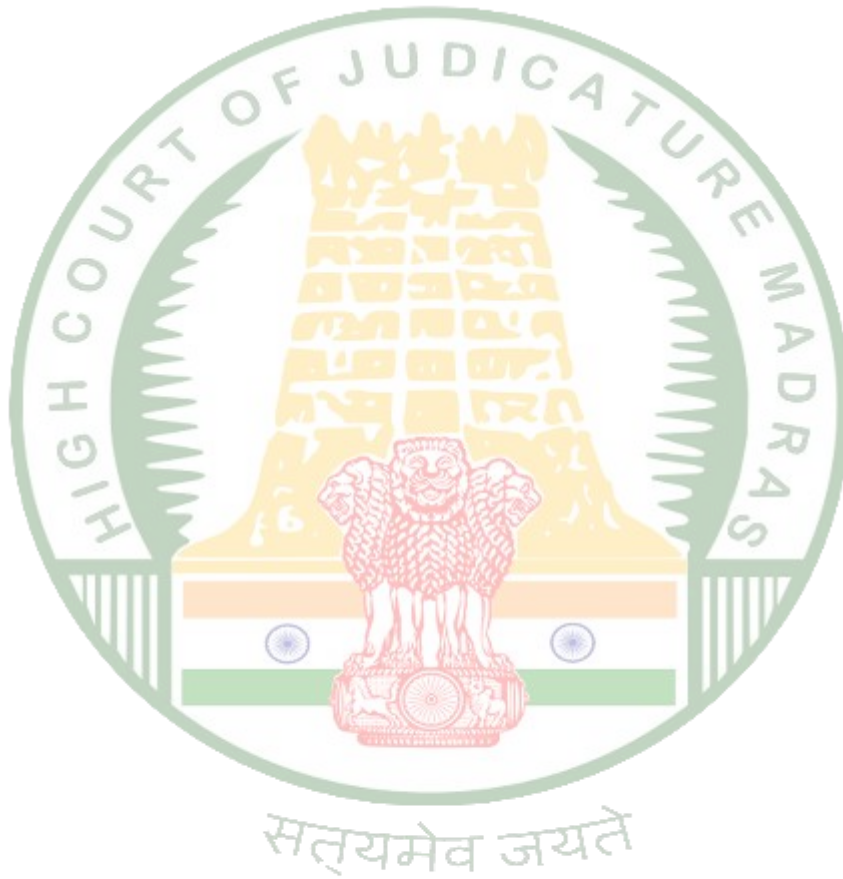
1. The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai 600 007.
2. The Assistant Commissioner of Police,
EDF III Vepery, Chennai.

3. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.D.Veerasekaran, Advocate SR 25793

rv(co)
krd10/6

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