

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Criminal Original Petition No.1364 of 2016

Abdul Wahab

... Petitioner

Vs.

1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai-600 007.

2.The Deputy Commissioner of Police,
Adayar,
Chennai-600 020.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to pass an order of direction, directing the respondent to register the complaint of the petitioner dated 08.01.2016 and investigate the same by appointing Competent Officer in accordance with law.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the respondents to register a case, on the basis of the complaint given by him dated 08.01.2016 and to investigate the same by appointing Competent Officer in accordance with law.

2.The learned counsel for the petitioner would submit that the petitioner entered into a Sale Agreement with the proposed accused and paid money and the possession was handed over to the petitioner. Subsequently, vendors have sold the said property and cheated the petitioner. Hence, the petitioner has given a complaint to the 1st respondent on 08.01.2016 but, the respondents had not taken any steps to register a case and hence, the petitioner has come forward with these petitions for the above stated relief.

3.Resisting the same, the learned Additional Public Prosecutor would submit that the Inspector of Police, J-1, Saidapet Police Station, Chennai, has received the petitioner's complaint dated 24.11.2015 and after due enquiry, it was closed on 13.01.2016 as civil in nature. Hence, he prayed for dismissal.

4.Considering the rival submission made on both sides, it is the case of the petitioner that he has already given a complaint before the local police Station. They did not conduct enquiry properly then only, he gave a complaint before the Commissioner of Police, Chennai, first respondent, in C.No.81 of 2016. The first respondent has nominated the 2nd respondent to enquire the matter. Therefore, the second respondent police is directed to enquire the matter and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai-600 007.

2.The Deputy Commissioner of Police,
Adayar,
Chennai-600 020.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.7830

Cr1.O.P.No.1364 of 2016

KK(CO)
CA(18/02/2016)