

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.15612 of 2016

K.Ganesh Babu

..Petitioner

Vs.

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

2.The Inspector of Police
Central Crime Branch, Team-III
Vepery, Chennai 600 007.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to register the FIR and investigate on the basis of the complaint dated 04.04.2016 made by the petitioner in accordance with law.

For Petitioner : Mr.A.Prabhakaran

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

O R D E R

This petition has been filed to direct the second respondent to register the FIR and investigate on the basis of the complaint dated 04.04.2016 made by the petitioner in accordance with law.

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

3. It is the grievance of the petitioner that he had booked a flat in the year 2010 with EMAAR MGF LAND LIMITED AND THEIR CEO'S, who had agreed to hand over possession in the year 2013, but till date, though a sum of Rs.30 lakhs has been paid by the petitioner, they have not handed over the flat and they have abandoned the project and gone.

4. Learned Additional Public Prosecutor submitted that 80% of the construction has been completed and only 20% remains to be constructed. To a specific query by the Court as to whether the police had called the concerned persons from EMAAR MGF LAND LIMITED, learned Additional Public Prosecutor submitted in the negative.

Under such circumstances, this court directs the Assistant Commissioner of Police, Central Crime branch, EDF-II, Chennai to conduct enquiry on the complaint given by the petitioner by calling both the parties and if the allegation of the petitioner that the opposite party had abandoned the project is found to be untrue, it is needless to state that the complaint should be closed. If it is found during enquiry that the said EMAAR MGF LAND LIMITED have ran away after collecting Rs.120 crores from 422 customers as alleged in the complaint, it is needless to state that a regular FIR should be registered against them and action taken in accordance with law.

With the above observation, this petition is closed.

gms

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

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

2.The Asst.Commissioner of Police
Central Crime branch, EDF-II,
Office of the Commissioner of Police,
Vepery, Chennai.

3.The Inspector of Police
Central Crime Branch, Team-III
Vepery, Chennai 600 007.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Prabhakaran, Advocate SR 47736

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