

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.3655 of 2016

J.Veerapandian

... Petitioner

Vs.

1. The Commissioner of Police,  
Chennai City,  
Egmore, Chennai.

2. The Inspector of Police,  
Central Crime Branch, Team-3,  
Vepery, Chennai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register a case on the basis of petitioner's complaint dated 17.04.2015 forwarded by the first respondent in Ref.No.369/DC CCBII/PE/2015 and to investigate the same.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.C.Emalias  
Additional Public Prosecutor

O R D E R

The petition is filed for issuing a direction to the second respondent to register a case on the basis of petitioner's complaint dated 17.04.2015 forwarded by the first respondent in Ref.No.369/DC CCBII/PE/2015 and to investigate the same.

2.Learned counsel for the petitioner submits that the counter petitioner viz., Ganesan had received a sum of Rs.1,50,00,000/- from the petitioner for permitting him to quarry the sand in S.No.242, Srinivasanallur, Thottiyam Taluk, Trichy District. The said Ganesan had entered into an agreement dated 18.06.2013 with one Babu, an allotment holder. Subsequently, the said agreement was cancelled on 19.09.2013. He further submits that the counter petitioner without disclosing the same, had received Rs.1,50,00,000/- from the petitioner on 01.12.2014 and he had also given a letter of undertaking, which shows fraudulent and dishonest intention of

the counter petitioner to cheat him. So the petitioner has given the compliant on 17.04.2015. But the respondents have not shown any interest to enquire the matter and register the same. Therefore, the petitioner has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that on the basis of the complaint given by one Rajappa, a case has been registered in Crime No.247 of 2014. Another case has also been registered in Crime No.65 of 2016 on the basis of the complaint given by one Ramesh. He further submits that the petitioner may be examined as witness in those two cases. So the present complaint lodged by the petitioner dated 17.04.2015 has been closed on 23.12.2015. Hence, he prayed for dismissal of this petition.

4.Heard both sides.

5.On perusal of the typed set of papers, it reveals that one Babu is an allottee for sand quarrying in that place as per Trichy Collector's order in File No. Na.Ka.No.RCB 490/96. The counter petitioner has entered into an agreement with him on 18.06.2013 and subsequently it was cancelled on 19.09.2013. The counter petitioner, without disclosing the cancellation of agreement, has given false promise and received Rs.1,50,00,000/- from the petitioner. He has also issued undertaking letter to the petitioner, which finds place in page No.15 of the typed set of papers.

6.Considering the aforestated facts and circumstances of the case, the cause of action stated in the petitioner's complaint is entirely different from the complaint given by the said Rajappa and Ramesh. Merely because the cases have been registered on the basis of the complaints given by the said Rajappa and Ramesh, it will not be the reason for closing the complaint lodged by the petitioner. Hence, the closure report furnished by the learned Additional Public Prosecutor is unsustainable and it is hereby set aside. The second respondent police is directed to consider the entire papers submitted by the petitioner, conduct enquiry, expedite the same 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.

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

Sd/-  
Assistant Registrar(CO)

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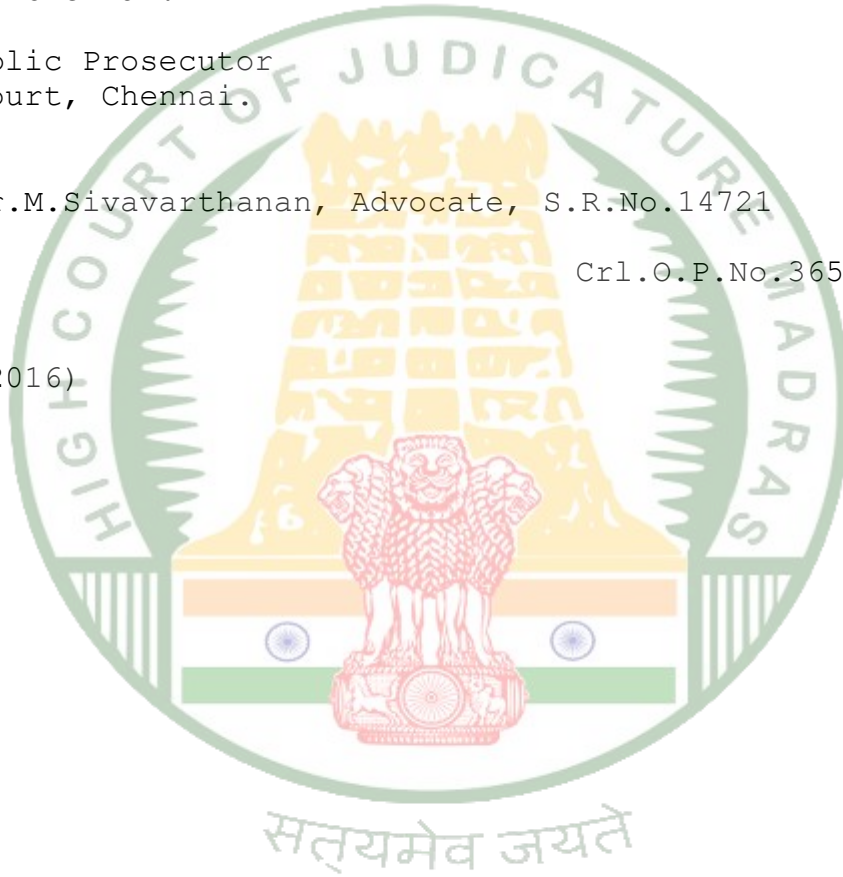
To

1. The Commissioner of Police,  
Chennai City,  
Egmore, Chennai.
2. The Inspector of Police,  
Central Crime Branch, Team-3,  
Vepery, Chennai.
3. The Public Prosecutor  
High Court, Chennai.

+lcc to Mr.M.Sivavarthanan, Advocate, S.R.No.14721

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AD(CO)  
CA(16/03/2016)



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