

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.37 of 2016

M/s Sri Lakshminarayana Traders,
A Partnership Firm,
Registered under the partnership Act
Represented by its partner
T.S.Palanivelu,
No.3, Sivaji Street,
Mallika Towers,
T.Nagar, Chennai 600 017. Petitioner

Vs

1. The Superintendent of Police,
Land Grabbing Cell,
Kancheepuram District.
2. The Inspector of Police,
Palur Police Station,
Chengalpet Taluk,
Kancheepuram District.
3. Ambalagan
4. Ravi
5. Purushothaman
6. Hari
7. Sasi Rekha

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking a direction to the 2nd respondent to register the
petitioner's complaint dated 18.05.2015, investigate into the
same and to file a final report.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor
(R1 and R2)

O R D E R

The present criminal original petition has been filed seeking a direction to the second respondent to register a case based on the petitioner's complaint dated 18.05.2015, investigate the same and file a final report.

2.It is stated in the affidavit that the petitioner firm secured a registered general power of attorney, coupled with interest, in the year 1985 from the respondents 3 to 5, to alienate/encumber the property, comprised in S.No.242, measuring to an extent of 2.33 acres, S.No.251, measuring to an extent of 4.43 acres and S.No.252/1 measuring to an extent of 2.70 acres, (totally to an extent of 9.63 acres) situated at Venkatapuram Village, Chengalpet Taluk, Kancheepuram District. When the real estate market was sluggish, the petitioner could not alienate or encumber the aforesaid subject property. During the month of September 2013, when the petitioner secured the encumbrance certificate relating to the above said subject property, he was shocked to know that the subject properties were mortgaged by the 7th respondent, who is the wife of the 6th respondent, to one Raghuraman. On verification, the petitioner came to know that respondents 3 to 5 have cancelled the registered general power of attorney coupled with interest, executed by them in favour of the petitioner during the year 1985 on 03.10.2005. Hence, the petitioner lodged a complaint before the respondent police on 18.05.2015. But till date no action was taken. Hence, the petitioner has come forward with the present criminal original petition.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2.

4.The learned Additional Public Prosecutor submitted that the matter is purely civil in nature and therefore, he opposed to give any direction to the petitioner.

5.Irrespective of the submissions made on either side, this court is of the opinion that since the complaint has already been pending with the 2nd respondent police, a suitable direction could be given to the 2nd respondent. Accordingly, this Court directs the 2nd respondent Police to conduct enquiry on the basis of the complaint given by the petitioner dated 18.05.2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 2nd respondent is directed to proceed further in accordance with law, as early as possible.

6.This criminal original petition is disposed of accordingly.

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s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Land Grabbing Cell,
Kancheepuram District.
2. The Inspector of Police,
Palur Police Station,
Chengalpet Taluk,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.D.Rajagopal, Advocate SR 670

ksj (co)
prk25/1

Cr1.O.P.No.37 of 2016



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