

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.3770 of 2016

P.Gopiraj

... Petitioner

Vs.

State rep. by

1.The Commissioner of Police
Greater Chennai
Vepery, Chennai-7.

2.The Deputy Commissioner of Police
St. Thomas Mount Range
St. Thomas Mount
Chennai.

3.The Inspector of Police
S-15, Seliyur police station
Seliyur, Tambaram
Chennai-73.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register the case on the basis of the petitioner's complaint dated 10.02.2016 and investigate the matter in accordance with law.

For Petitioner : Mr.M.Anandaraj

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondents to register a case pertaining to the petitioner's complaint dated 10.02.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 10.02.2016 stating that the proposed accused has given false representation that he is the owner of the property and that he has entered into a sale agreement with the petitioner and received amount. Thereafter, the petitioner came to know that the proposed accused is not the owner of property and he cheated the petitioner by committing fraud. Therefore, the petitioner has lodged the complaint. But the respondents

without registering the case, closed the matter. Hence, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that on the basis of the complaint given by the petitioner, enquiry has been conducted and the same was closed.

4.Heard both sides.

5.On perusal of the complaint, it reveals that prima facie there is a material for taking cognizable offence. Hence, the closure report furnished by the respondents is hereby set aside. The third respondent is directed to conduct enquiry 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.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police
Greater Chennai, Vepery, Chennai-7.

2.The Deputy Commissioner of Police
St. Thomas Mount Range
St. Thomas Mount, Chennai.

3.The Inspector of Police
S-15, Seliyur police station
Seliyur, Tambaram, Chennai-73.

4.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.M.Anandaraj, Advocate Sr 11034 (1/3/16)

Cr1.O.P.No.3770 of 2016

TEJ(CO)
CA(26/02/2016)