

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.4095 of 2016

R.Ayyappan

.. Petitioner

Vs.

State rep. by
Inspector of Police
Central Crime Branch
E.D.F. - I Team - I
Vepery, Chennai-7.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case on the basis of the petitioner's complaint dated 04.01.2016.

For Petitioner : Mr.J.K.Mony Angelus

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondent to register a case pertaining to the petitioner's complaint dated 04.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner has approached Thiru Promoters for purchase of house plots and that the petitioner has paid some amount. Later the petitioner came to know that the property does not belong to Thiru Promoters. Since the proprietor of Thiru Promoters refused to return the money to the petitioner, he lodged the present complaint before the respondent police on 04.01.2016. But the respondent has not shown any interest to enquire the matter and register the case. Hence, 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 Periyasamy, a case has been registered in Crime No.37 of 2016 for the offences under Sections 420, 506(ii) read with 34 I.P.C., against Thiru

Promoters. The petitioner herein has been cited as a witness. Since the petitioner was examined as the witness in the above said crime number, there is no necessity to register the F.I.R. for each and every separate cognizable offences. Therefore, he prays for dismissal of this petition.

4.Considering the rival submissions made on both sides, the case has been registered against Thiru Promoters on the basis of the complaint given by one Periyasamy. Furthermore, according to the learned Additional Public Prosecutor, more than 19 complaints were received against Thiru Promoters. Under such circumstances, the respondent police is directed to include the name of the petitioner as the witness in the list of witnesses and examine him.

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

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police, Central Crime Branch,
E.D.F. - I Team - I, Vepery, Chennai-7.

2. The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.J.K.Mony Angelus, Advocate Sr 11504

KR/1/3/16

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