

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5189 of 2016

M.Selvakumar

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai-122.

.. 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 29.02.2016.

For Petitioner :Mr.C.Prakasam

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 29.02.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 29.02.2016, for which CSR.No.317 of 2016 has been given. But even then, the respondent police has not registered the case but they closed the complaint and advised the petitioner to approach the Court for appropriate remedy. 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 closed and in view of the same, nothing survives and prayed for dismissal of the petition.

4.A perusal of the complaint shows that the petitioner, who is alleged to be the purchaser of the property, came to

know that accused persons namely, Karthikeyan and Suresh jointly impersonated a person as Abu Bucker (the actual owner of the property) sold the property of Abu Bucker and executed the sale deed in favour of the petitioner and cheated him to the tune of Rs.64 lakhs. In such circumstances, the closure report filed by the respondent, without considering the same is unsustainable. Therefore, the same is hereby set aside. The averments in the complaint itself shows that a prima-facie case has been made out as cheating and impersonation has taken place in the said transaction and hence, the respondent police is directed to conduct an enquiry afresh on the complaint dated 29.02.2016, by following the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case on the petitioner's complaint. The petitioner is directed to co-operate for enquiry.

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

DP

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Inspector of Police,
T-14, Mangadu Police Station, Mangadu,
Chennai-122.
 - 2.The Public Prosecutor, High Court, Chennai.
- + 1 cc to Mr.C.Prakasam, Advocate Sr 15462

KR/15/3/16

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