

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.OP No.660 of 2016

Saraswathi Balachandran,
Branch Manager,
Sri Gokulam Chit and Finance
Company Pvt. Ltd.,
No.95/5, N.M. Road, Avadi,
Chennai - 600 054. ...Petitioner

Vs

The Inspector of Police (Crime),
T-6, Avadi Police Station,
Chennai. ... Respondent

Prayer:- Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the respondent Police to register the complaint of the petitioner dated 24.06.2015 pending in CSR.No.870 of 2015.

For Petitioner :Mr.S.Sathish Rajan

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent Police to register the complaint of the petitioner dated 24.06.2015 pending in CSR.No.870 of 2015.

2. The petitioner is the Branch Manager of Sri Gokulam Chit and Finance Pvt. Ltd. The said company is conducting several chits and also doing financial business. One Senthilkumar, residing at No.95, 9th Street, Kamaraj Nagar, Avadi, Chennai - 600 071 was the subscriber of the chit bearing No.J2L/0190/JMM/14 for a value of Rs.25,00,000/-. He was the successful bidder of the said Chit and received the Chit amount during February 2010. For the due repayment of the chit amount, the said Senthilkumar and his brother Nandakumar mortgaged their property comprised in Survey No.1/1, Paleripattu Village, Poonamalle Taluk, Tiruvallur District to an extent of 1580 sq.ft. of land with building thereon in favour of the Company, by deposit of deeds and they have executed a Memorandum of Deposit of Title Deeds dated

10.02.2010 in favour of the Company and the same was registered as Document No.1162/2010 on the file of the SRO, Avadi and the mortgage is still subsisting. While so, the said Senthilkumar and Nandakumar have colluded and conspired with one Sivakumar and executed a Power of Attorney in favour of the said Sivakumar with an intention to sell the mortgaged property and to cheat the company. The said Power of Attorney dated 05.07.2013 was registered as Document No.8407 of 2013 on the file of SRO, Avadi. On the basis of the said fraudulent Power Deed, the said Sivakumar executed a Sale Deed in respect of the Mortgaged property in favour of one G.Annamalai by a deed of sale dated 31.07.2014. The said purchaser, who is well aware of the subsisting mortgage with the company, fraudulently purchased the subject property in collusion with the above said persons. Therefore, the petitioner gave complaint to the respondent police on 24.06.2015. Though C.S.R.No.870 of 2015 has been assigned on the said complaint, no action has been taken by the respondent till date. Hence the petitioner has come forward with the present Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that the allegations made in the complaint would show that the matter is purely civil in nature. However, on receipt of the complaint of the petitioner, C.S.R.No.1078 of 2015 has been assigned and the matter is pending for enquiry.

5. In view of the submissions made on either side, this Court directs the respondent to conduct enquiry on the complaint given by the petitioner dated 24.06.2015 in C.S.R.No.870 of 2015 and dispose the same in accordance with law. If no prima facie case is made out, the respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To:

1.The Inspector of Police (Crime),
T-6, Avadi Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S. Sathish Rajan, Advocate SR.2355

Cr1.OP No.660 of 2016

SVI (CO)
EU 28.1.16



WEB COPY