

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.82 of 2016

K.Periyasamy

... Petitioner

Vs.,

1.The State of Tamil Nadu,
Rep.by its Commissioner of Police,
Egmore, Chennai.

2.The Superintendent of Police,
Crime Branch,
Vepery,
Chennai 600 007.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents to register the complaint of the petitioner given on 28.09.2015 and take immediate action on the same by duly investigating the same and file a police report expeditiously.

For Petitioner : Mr.K.Sudalaikannu

For Respondents : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the respondents to register a case based on the complaint of the petitioner dated 28.09.2015; investigating the same and file a final report expeditiously.

2.It is seen that the petitioner is in the business of developing and promoting flats and houses. In the course of such business, the petitioner purchased plot No.3A, 5th Main Road, Pukraj Nagar, Madhavaram, Chennai and put up a construction of residential building to an extent of 2500 sq.ft. and the same was sold to Mr.T.Krishnan and Mr.R.Sethuraman for consideration of Rs.1,20,00,000/- by way of registered sale deed bearing Doc.No. 3584/2015, dated 26.06.2014 on the file of the Sub Registrar Madhavaram. The four cheques were issued by the above said purchasers drawn on Standard Chartered Bank, Rajaji Salai, Chennai towards the sale consideration. Out of the four cheques, the two cheques only were presented by the petitioner and the same were

returned as dishonoured and therefore, the petitioner has not presented the other two cheques. Further, the purchasers have mortgaged the property first to a private financier and then, to AXIS Bank Limited, Corporate Banking Branch at No.192, Ground Floor, Karumuthu Nilayam Anna Salai, Chennai. Therefore, the petitioner lodged a complaint to the first respondent on 28.09.2015, which was acknowledged by the second respondent. But till date no action has been taken. Hence, the petitioner has filed the present criminal original petition.

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

4.The learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner dated 28.09.2015, an enquiry was conducted and the same was closed on 04.01.2016 with an advise to the parties to approach the civil court to workout their remedy. A copy of the closure report dated 04.01.2016 has been given for perusal of the Court.

5.Since the complaint has already been closed on 04.01.2016, nothing survives in this petition. Hence, this criminal original petition is closed. However, the petitioner is at liberty to work out his remedy in the manner known to law, if he so desires.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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Copy to_

1.The Commissioner of Police,
Egmore, Chennai.

2.The Superintendent of Police,
Crime Branch,
Vepery, Chennai 600 007.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K. Sudalai Kannu, Advocate SR.816

CrI.O.P.No.82 of 2016

SVI (CO)
EU 20.1.16