

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.927 of 2016

P.Nelson

... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

2. The Deputy Commissioner of Police,
Central Crime Branch,
Egmore,
Chennai.

3. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the 3rd respondent to register the case on the basis
of the complaint dated 21.12.2015 and investigate the matter in
accordance with law.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the 3rd respondent
to register the case on the basis of the complaint dated
21.12.2015 and investigate the matter in accordance with law.

2. The petitioner is engaged in the manufacture of carton box for over 40 years and one Chandra Mohan is known to him who is a builder by profession. He introduced one Sadasivam stating that he is the registered Power of Attorney of 17 persons and one of the co-sharer of a property of an extent of 2248 sq.ft situated in survey No.14, Konnur Village, Ambattur Taluk, Tiruvallur District along with 17 persons and he desires to sell the property and he would get the property for sale to the petitioner at a cheaper rate and that the said site would be useful for constructions of apartments. On the assurances given by the said Chandramohan and Sadasivam, the petitioner purchased the said property and applied for building plan for construction of flats and also entered into construction agreement in advance on 02.01.2013 with Chandra Mohan and a sum of Rs.24,00,000/- was paid as an advance. The petitioner also entered into agreement of sale with Sadasivam and paid a sum of Rs.14,50,000/- as advance. As promised the said Chandra Mohan did not construct the flats and the said Sadasivam also did not take any steps to convey the property in favour of the petitioner. On suspicion, the petitioner applied for encumbrance certificate and to his shock and surprise, he came to know that the said Sadasivam had conveyed the property in favour of one Vasantha, W/o Chandra Mohan and the said Vasantha had pledged the property by a registered deed of deposits of Title deeds bearing Document No.426/2014. The petitioner understood that Chandra Mohan, Sadasivam and Vasantha conspired together and committed the act of cheating the petitioner and had made the petitioner to part with a sum of Rs.38,00,000/- Hence, the petitioner lodged a complaint with the 1st respondent on 21.12.2015 and forwarded the same to the 2nd respondent. Since no action was taken so far, the present petition has been filed.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that though several notices were sent to the petitioner, he has not come forward to attend the enquiry and finally, the complaint has been closed.

4. Learned counsel for the petitioner denies the same.

5. In view of the submissions made on either side, this Court is constrained to pass the following order.

i) The respondent police is directed to reopen the complaint of the petitioner dated 21.12.2015 and conduct an enquiry on the same and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible.

ii) The petitioner is directed to co-operate with the enquiry.

6. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
 2. The Deputy Commissioner of Police,
Central Crime Branch,
Egmore, Chennai.
 3. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.
 4. The Public Prosecutor,
High Court, Chennai.
- +1 cc to Mr.T.Muruganantham, Advocate, sr.2710

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