



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRL.O.P.No.24709 of 2012

and

M.P.No.1 of 2012

M. Siddhiq @ Abubakkar

.. Petitioner

Vs.

1. The Commissioner of Police,
Office of Commissionerate,
Egmore, Chennai-600 008.

2. The Assistant Commissioner Of police,
Thoraipakkam Police Station,
Thoraipakkam, Chennai.

.. Respondents

Prayer: Criminal Original Petition was filed under Section 482 of Cr.P.C to register the case on the basis of the petitioner's complaint dated 07.02.2012 and reminder complaint dated 28.08.2012 which is on the file of the respondent's police.

For Petitioner : Mr.T. Arockia Doss

For Respondents : Mrs.Shabana
Government Advocate (Crl.Side)

O R D E R

This criminal original petition is preferred by the petitioner for directing the respondents to register the case on the basis of the petitioner's complaint dated 7.2.2012 and remainder complaint dated 28.8.2012 which is pending on the file of the respondent police, Chennai.

2.Brief case of the petitioner:

The facts of the case is that the petitioner was a owner of the property in S.No.51/1A, New S.No.9.51/1-A-2 and 51/1-A-3 of Seevaram village, formerly Tamabaram Taluk, presently Sholinganallur Taluk, Kanchipuram District measuring to an



extent of 3000 sq.mts (75 cents) situated at Rajiv Nagar (Janakiraman Nagar), Seevaram village within Perungudi Panchayat, by virtue of the sale deed executed by one Reji Chacko and 3 of his brothers, in Doc.No.7282 of 2011 on the file of Neelankarai SRO , on 19th day of October 2011. Since then, he was in absolute possession and enjoyment without any encumbrance. Now the same is settled in favour of his wife. One R.S. Narayanan wanted to purchase the petitioner's property for sale consideration but because of non availability of sufficient fund to purchase it , wanted the General Power of Attorney in his favour to arrange the amount from some third party. Since this petitioner had an apprehension to execute such a General Power of Attorney without any consideration the Narayanan insisted to execute the General Power of Attorney atleast in favour of her daughter who was with him at the time of request was made. Petitioner executed the general power of attorney on 2.12.2011 on the file of the SRO Neelankarai in favour of Narayanan's daughter Mithula. On 26.12.2001, for his shock and dismay, petitioner came to know that his power agent Mithula made attempt to execute sale deed in favour of her father on the very next working day i.e on 5.12.2011 and received Rs.2,20,00,000/- as sale consideration of the property. On the other hand fortunately the said document could not be registered because of under valuation of the property by Mithula and R.S.Narayanan which they had criminal conspiracy to cheat and to put this petitioner to deprive of his right and thereby both of them played fraud over this petitioner's property. Immediately petitioner contacted Narayanan and Mithula they were threatening petitioner to the dire consequences. Hence the petitioner preferred the complaint before the respondent police which was not taken into consideration. Aggrieved over the same this direction petition is filed.

3.Heard the arguments on either side and perused the entire materials available on record.

4.The learned counsel for the petitioner submits that the petitioner cancelled the General Power of Attorney given in favour of Mithula through a document in Doc.No.140 of 2012 on the file of the SRO, Neelankarai. From the date of cancellation of the said General power of attorney, both the said Mithula and Narayanan is often threatening this petitioner and his family members and following all along the way wherever he goes and sending hooligans to watch his family members when they are in the house.



5.The learned counsel for the petitioner submits that the petitioner gave complaint to the 1st respondent police on 7.2.2012 for the same he was given acknowledgment in Ref.NoC.No.1505/COP/VISTORS/2012 dated 7.2.2012 whereas though this petitioner is getting a threatening calls continuously for his life and his family members life, but so far no action taken on the above said complaint. But it is reliably understand that the complaint is forwarded to the 2nd respondent police for investigation, but no action is taken so far. Hence, the petitioner sent a reminder complaint to the 1st respondent police on 28.8.2012 but no action can be taken , whereas, this petitioner is subjected to run pillar to post to save his life and his family members life but yielded no response.

6.The learned Government Advocate (Criminal Side) appearing for the respondents opposed the contentions of the petitioner/accused and sought for dismissal of the criminal original petition.

7.In the case on hand, both the complaints prima facie disclose the non cognizable offence.

8.I wonder why the respondent police is not registering the FIR against the complaint filed by the petitioner and enquire the same.

9.In the result, this criminal original petition is allowed and the respondent police is directed to register the FIR on the basis of the petitioner's complaint dated 7.2.2012 and remainder complaint dated 28.8.2012 and proceed in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

WEB COPY

1. The Commissioner of Police,
Office of Commissionerate,
Egmore, Chennai-600 008.
2. The Assistant Commissioner Of police,
Thoraipakkam Police Station,
Thoraipakkam, Chennai.
3. The Public Prosecutor,
High Court, Madras.

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and
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nr 20/03/2019