

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.03.2017
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN
Crl.O.P.No.5441 of 2017

R.Prakash Chand

... Petitioner

Vs

The State rep. by
the Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.

... Respondent

Petition filed under Section 482 Cr.P.C. to direct the respondent, the State represented by the Inspector of Police, Central Crime Branch, Vepery, Chennai - 600 007 to register a First Information Report under Sections 406, 420, 503 and 506 of the Indian Penal Code for the complaint dated 12.01.2012 and set aside the order dated 29.11.2016 passed by the learned Metropolitan Magistrate for CCB Cases, Egmore, Chennai-8 and to investigate into the offences and file a final report.

For Petitioner : Mr.S.Sivaraman

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

ORDER

This Criminal Original petition has been filed to set aside the order dated 29.11.2016 passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Chennai in Crl.MP.No.949 of 2016 and to direct the respondent to register a First Information Report based on the petitioner's complaint dated 12.01.2012, investigate the same and file a final report.

2. It is the case of the petitioner that as against one N.Govindaraj, he has lodged a complaint with the respondent police, alleging that the said Govindaraj demanded money for obtaining patta for the land at Vilaagkattupakkam, Ambattur Taluk and received a sum of Rs.15,00,000/- on 19.12.2006 and agreed to register the property in the name of the petitioner and also received further sum. It is further alleged in the said complaint that the total sale consideration of the property is Rs.62,10,000/-. The said N.Govindaraj also promised to return the advance amount of Rs.25,00,000/- along with interest and cancel the agreement, in the event of the patta being not

obtained, however, he did not take any efforts to obtain patta. Further, he has not returned the money as promised, till date. Since no action was taken on the said complaint, the petitioner filed a petition under Section 156(3) Cr.P.C before the Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai, seeking a direction to the Commissioner of Police, Central Crime Branch, Chennai to register the petition, investigate the same and file a final report. The said petition was taken on file as CrI.MP.No.949 of 2016, which was, by order dated 29.11.2016, rejected, as not maintainable. Aggrieved over the same, the petitioner is before this Court with the present petition.

3. Today, when the matter came up for consideration, learned Additional Public Prosecutor appearing for the respondent submitted that instead of approaching the Jurisdictional Court concerned, the petitioner has filed the petition before some other Court i.e., Metropolitan Magistrate, Chennai.

4. In view of the submission so made by the learned Additional Public Prosecutor, the petitioner is permitted to file the complaint afresh before the Jurisdictional Court so as to proceed further on merits and in accordance with law.

5. The criminal original petition is disposed of accordingly.

-s/d-
Assistant Registrar(CSIV)

True Copy

Sub-Assistant Registrar

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To

1.The Metropolitan Magistrate for Exclusive Trial of
CCB Cases and CBCID Metro Cases, Chennai.

2.The Inspector of Police, Central Crime Branch,
Vepery, Chennai - 600 007.

3.The Public Prosecutor, High Court, Madras.

Cr1.O.P.No.5441 of 2017

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