



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.2866 of 2018

Sureshkumar

... Petitioner

-Vs-

1.The Superintendent of Police,
Kanyakumari District.

2.State rep. by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register the case on basis of the complaint given by the petitioner dated 22.01.2018 and investigate the case accordance with law.

For Petitioner
For Respondent

: Mr.S.Ramasmay
: Mr.Prabu Ramachandran,
Government Advocate(Crl.side).

O R D E R

This Criminal Original petition has been filed to direct the second respondent to register a case based on the complaint given by the petitioner dated 22.01.2018.

2.The learned counsel for the petitioner has submitted that the petitioner has purchased the property situated in old survey No.4761 and new survey No.01/4B measuring about 5 1/4 cents from the proposed accused on 28.04.2018. He further submitted that subsequently the Branch Manager of ICICI Bank, Nagercoil came to the petitioner's house and stated that the proposed accused has already mortgaged the property with the aforesaid bank and there is a due of Rs.10,61,000/-. He further submitted that the proposed accused by suppressing the fact that the property was already mortgaged to the bank, the proposed accused has sold the property to the petitioner and cheated the bank. Hence, the petitioner has lodged a complaint before the second respondent on 22.01.2018, but so far, no action



3.The learned Government Advocate (Crl.Side) has submitted that the enquiry is still pending.

4.Considering the aforesaid submission, the second respondent is directed to enquire the complaint and if the enquiry reveals any cognizable offence, then he has to register a case and proceed further in accordance with law within two weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Kanyakumari District.

2.State rep. by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.Ramasmay, Advocate SR.No. 54305

Crl.O.P.(MD) No.2866 of 2018
09.03.2018

cp

JM/SKN RSK/SAR 1/04.04.2018/2P/5C