



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.22470 of 2021

Regal Palm Garden Apartment Owners
Association (RPGAOA),
Represented by its Secretary,
No./383, Velachery, Tambaram Road,
Velachery, Chennai- 600 042

..Petitioner /Defacto Complainant

Versus

1. State represented by
Commissioner of Police,
Central Crime Branch
Vepery, Chennai.
2. State Represented by
Its Inspector of Police,
Central Crime Branch,
EDF-I, Team II,
Vepery, Chennai-07

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd Respondent police to register FIR based on the petitioner's complaint dated 03.04.2021

For Petitioner : Mr.S.Namasivayam

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor
Mr.Ananddeep
for Intervenor

O R D E R

The petitioner representing M/s.Regal Palm Garden Apartment Owners Association (RPGAOA), has filed this petition seeking directin to the 2nd Respondent police to register FIR based on the petitioner's complaint dated 03.04.2021.

2. The grievance of the petitioner is that though the petitioner lodged a complaint as early as on 03.04.2021 against



Mr.Devadasa Sundaram, his son Brunth Sundar and his group of Companies vis., Ceedeeyes Group of Companies, before the second respondent, no action has been taken till date.

3. The learned counsel appearing for the petitioner had fairly submitted that a civil suit has been filed and pending between the parties in C.S.No.535 of 2019 before this Court for different relief.

3. Mr.P.Ananddeep, learned counsel appearing for the intervenor i.e, the Promoter against whom the complaint has been lodged, submitted that civil dispute is pending between the petitioner and the said Devadasa Sundaram. He further submitted that with regard to disbursement of corpus fund, the petitioner has filed a complaint before the National Consumer Forum and the same was dismissed and further the petitioner filed C.S.No.535 of 2019, before this Court and the same is pending and now the petitioner, in order to give criminal colour to the civil dispute, the petitioner has given this complaint.

4. The learned Additional Public Prosecutor submitted that the complaint given by the petitioner was forwarded to the second respondent, in C.No.539 of 2021 on 16.09.2021. He further submitted that on 04.08.2021 both the parties appeared before the respondent police for enquiry and thereafter the case was closed as civil in nature directing the petitioner and the counter complainant to seek remedy before the civil forum. It is further submitted that the closure report has already been sent to the petitioner by way of RPAD.

5. The learned counsel appearing for the petitioner submitted that the parties were called for enquiry and without conducting proper enquiry, the case has been closed.

6. In view of the submission made by the learned counsel appearing on either side, as the case has been closed and copy of the closure report has been sent to the petitioner by way of RPAD, nothing survives for adjudication in this petition.

7. In view of the same, this petition stands closed. However, it is open to the petitioner to agitate his case in the manner known to law.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Central Crime Branch
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch,
EDF-I, Team II,
Vepery, Chennai-07

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Anandeeep , Advocate, S.R.No.62555

+1cc to Mr.S.Namasivayam, Advocate, S.R.No.63183

Crl.O.P.No.22470 of 2021

PVS (CO)
CT 07/01/2022