



Crl.O.P.No. 31665 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

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R.Sathish Kumar,
S/o. K.Ramalingam,
No.13/37A, Thilagar Street,
Gandhi Nagar, East Tambaram,
Chennai-600 059.

.. Petitioner

VS

1.The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur,
Chennai.

2.The Commissioner of Police,
Vepery,
Chennai-600 007.

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of the BNSS, 2023 to direct the respondents to register a FIR on the basis of the complaint of the petitioner dated 08.05.2024 in compliance of the order dated 23.04.2025 passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.23078 of 2024, investigate the same, and file a final report within a reasonable period as fixed by this Court.



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For Petitioner : Mr.J.Hasheem Sindha Batcha

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed under Section 528 of the BNSS, 2023 seeking to direct the respondents to register an FIR based on the complaint of the petitioner dated 08.05.2024 in compliance with order dated 23.04.2025 passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.23078 of 2024, to investigate the same and file a final report within a time frame fixed by this Court.

2. Learned counsel for the petitioner would submit that one G.David Ravi approached the petitioner to purchase his properties in the layout named 'Sri Vari Nagar', which is located in the Kancheepuram District. On verification, the petitioner came to know that the said properties were mortgaged with the Tamil Nadu Mercantile Bank, Thiruvanmiyur Branch, Chennai for a loan of Rs.26,00,000/-.

3. Though the petitioner expressed unwillingness to purchase the properties, the said David Ravi, in collusion with the Manager of the Tamil Nadu Mercantile Bank, induced him to clear the loan



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amount of Rs.26 lakhs and agreed to return the documents. The petitioner, believing the assurance, entered into a sale agreement and paid an advance amount of Rs.40 lakhs. Later, the Branch Manager, failed to return the documents stating that the properties were attached in respect of yet another loan account.

4. Learned counsel would further submit that if the petitioner had known that there was another loan, he would not have agreed to purchase the properties whereas suppressing the fact, the Branch Manager and the said David Ravi, induced him to deposit the amount and thereby, they have cheated the petitioner.

5. The petitioner had filed a complaint before the first respondent/ police on 08.05.2024 and thereafter, sent a representation on 01.08.2024, since the case was not registered. Since no action was forthcoming from the respondents, the petitioner filed a petition before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai to register a case and the learned Magistrate, by order dated 23.04.2025, had directed the respondents / police to conduct an enquiry and if prima facie satisfied, directed them to register a case.

6. Since the order of the Court has not been complied with,



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the petitioner made another representation dated 29.07.2025 and the same was also kept pending. Aggrieved by the same, this petition has been filed seeking to register a case.

7. Learned Government Advocate (Criminal Side) would submit that based on the complaint dated 08.05.2024, followed up by representation dated 01.08.2024, a preliminary enquiry was conducted. However, the accused was not able to be reached and thereby, a report dated 12.03.2025 has been filed before the learned Metropolitan Magistrate.

8. Heard J.Hasheem Sindha Batcha, learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondents/police.

9. The learned Metropolitan Magistrate, by order dated 23.04.2025, had directed the respondents / police to conduct an enquiry and if prima facie satisfied, directed the police to register a case. The first respondent / police, without taking proper action, had filed a report stating that the accused was unable to be reached. This exposes the lackadaisical manner in which the order of the learned Magistrate has been treated.



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10. This Court deprecates the conduct and manner in which the complaint has been treated by the respondent / police. From the averments in the petition, this Court finds that a prima case is made out for registration of case.

11. In view of the above, the first respondent is directed to register a case based on the complaint of the petitioner dated 08.05.2024 and in compliance of the order of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, dated 23.04.2025 file a report to the XVIII Metropolitan Magistrate, Saidapet within a period of two weeks and continue with the investigation and proceed in accordance with law.

12. With the above direction, this Criminal Original Petition stands disposed of. No costs.

20.11.2025

Neutral Citation:Yes/No
ssm



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To

- 1.The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur,
Chennai.
- 2.The Commissioner of Police,
Vepery,
Chennai-600 007.
- 3.The learned XVIII Metropolitan Magistrate,
Saidapet, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.,

ssm

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