

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 3-11-2015

CORAM:

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Criminal Original Petition No.10983 of 2015

G. Thirumalai

... Petitioner

Vs.

Inspector of Police,
Sholinghur

... Respondent

VRV Agency,
rep.by the Managing Partner,
K.V.Balamurugan,
No.53A Arakonam Road,
E.B.Office Cross Street,
Near IOB,
Tiruttani Town

... Intervener

(Intervener impleaded as per the order of the Court
dated 12.10.2015 in M.P.No.1 of 2015)

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure with a prayer to direct the Police to register FIR on the petitioner's complaint dated 21.4.2015, which makes out cognizable offence, in the light of the law laid down by the Hon'ble Supreme Court in Lalitha Kumari v. Government of U.P. & Others (2013 (6) CTC 353) and take further course of action against all concerned in the manner known to him.

For Petitioner : Mr.R.Shanmugam
for M/s.Shanmugam Associates

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

For Intervener : Mr.K.Jayakarthisa
for Mr.K.Kannan

Reserved on	Pronounced on
28-10-2015	3-11-2015

O R D E R

It is the case of the petitioner that he is the Proprietor of Sri Lakshmi Agencies and was a Distributor of PEPSICO products. It is stated by the petitioner that the distributorship was suddenly cancelled by PEPSICO and the distributorship was given to V.R.V. Agencies/Intervener herein.

2. The petitioner lodged a complaint on 12.3.2015 against the officials of PEPSICO, alleging that they had caused threat to his life. After giving complaint to the Police, petitioner filed Crl.O.P.No.7603 of 2015 for a direction to the Police to register FIR on his complaint dated 12.3.2015, which was dismissed by this Court by a detailed order dated 17.4.2015, in which this Court held as follows:

"3. This Court carefully perused the complaint dated 12.3.2015 supposed to have been given by the petitioner to the respondent police. On a reading of the complaint, it appears that the petitioner is the Proprietor of M/s.Lakshmi Agencies and was given distributorship by PEPSICO for distributing the products of the company in and around Sholinghur.

4. It is alleged in the complaint that the petitioner entered into a distribution agreement with PEPSICO on 5.5.2014 and after entering into the agreement, he claims that he had invested Rs.50 lakhs for providing infrastructure etc., by borrowing Rs.20 lakhs from Bank. It is the allegation of the petitioner that PEPSICO has awarded the distribution arrangement of their products to a third party namely V.R.V.Agencies, Padmapuram Village, Sholinghur area and on account of this, the petitioner's business had slumped. The petitioner has made allegations that representatives of PEPSICO are forcing the petitioner to sell

contaminated products, for which the petitioner did not agree.

5. On a complete reading of the complaint, it essentially appears that the petitioner had grievance against PEPSICO for giving distribution rights to another person and on account of that, the petitioner has invented allegations of adulteration in order to give a criminal colour, to an otherwise civil dispute. Therefore, the complaint does not disclose a cognizable offence warranting an investigation by the police.

6. This Criminal Original Petition is dismissed."

3. Again this petitioner has lodged a fresh complaint dated 21.4.2015 alleging that the Officers of V.R.V Agencies waylaid his employee Manikandan and assaulted him on 21.4.2015.

4. This Court carefully perused the complaint dated 21.4.2015 and found that on the face of it, the complaint does not inspire the confidence of this Court. According to the petitioner, the incident took place on 21.4.2015, but the complaint itself was sent by post from the High Court Post office on 23.4.2015. It is obvious that on account of rivalry between the petitioner on one side and PEPSICO and V.R.V Agencies on the other side, this complaint has been given. Hence, no positive direction can be issued as prayed for.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vr

To

1. The Inspector of Police,
Sholinghur

WEB COPY

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Shanmugam Associates, Advocate, S.R.No.60167

Crl.O.P.No.10983 of 2015

MP (CO)
CA(25/11/2015)



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