

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.7909 of 2015

Shree Nirman Limited
Having its registered office at
Fagun Mansion, 2nd Floor,
No.26, Ethiraj Salai, Egmore,
Chennai,
Rep.by its authorized representative
Mr.T.A.Srinivasen Petitioner

Vs

- 1.State rep.by
The Superintendent of Police,
Thiruvallur District.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Thiruvallur.
- 3.The Inspector of Police,
District Crime Branch,
Thiruvallur. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to register a case based on C.No:71/DSP/DCB/TLR/2014, dated 11.06.2014, investigate the same and file a final report.

For Petitioner :Mr.V.Vijayakumar

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the second respondent to register a case based on C.No:71/DSP/DCB/TLR/2014, dated 11.06.2014, investigate the same and file a final report, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the material placed on record.

3. On reading of the complaint, it is seen that the complainant has deposited a sum of Rs.2,50,00,000/- through RTGS method in the accused Company and that the accused Company had not repaid the said amount. According to the complainant, it has been deposited as Inter Corporate Deposit. The police has conducted enquiry and during the course of enquiry, the opposite party has given the following statement to the police:

"This is in continuation of letter dated 14.07.2014. As informed in the above letter, we undertake to settle the dues with interest after disposing the factory which is jointly owned by both the parties at the earliest. We shall try to sell it within six months and settle."

4. The learned counsel for the petitioner relied upon the Judgment of the Rajesh Bajaj v. State NCT of Delhi and others reported in AIR 1999 SC 1216 and submitted that in view of the Illustration 'f' of Section 415 of the Indian Penal Code, an offence can be made out. It is true that for attracting the said provisions, there should be deception at inception in this case. The petitioner Company after getting prospectus of the opposite parties/ Company has deposited the amount. For such deposits, a mechanism has been provided as per the Companies Act, as amended recently. Therefore, the police cannot be directed to register an FIR on the complaint dated 11.06.2014 given by the petitioner. Hence, this petition is closed with a liberty to the petitioner to work out their remedies in the manner known to law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thiruvallur District.

2. The Deputy Superintendent of Police,
District Crime Branch, Thiruvallur.

3. The Inspector of Police,
District Crime Branch, Thiruvallur.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.Vijayakumar, Advocate Sr.23084

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JSV(CO)

Eu 21.05.15

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