

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CRL.O.P.No.24173 of 2015

Sarala

... Petitioner

Vs

State rep by
The Inspector of Police,
J-8, Neelangarai Police Station,
Neelangarai, Chennai-15.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police register FIR on the base of the petitioner complaint 24.06.2015 and to investigate the same in accordance with law.

For Petitioner : Mr.A.Karthikeyan

For Respondent : Mr.C.Emalias, APP

ORDER

This present criminal original petition has been filed seeking a direction to the respondent to register the petitioner's complaint dated 24.06.2015 and to investigate the same in accordance with law.

2. It is the case of the petitioner that she is residing at No.3/282, Shenkeni Amman Koil Street, Neelangarai along with her husband and two children. One Sumathi who was a tenant under the petitioner received a sum of Rs.1,50,000/- as hand loan and 60 sovereign jewels from the petitioner. Subsequently, the said Sumathi failed to return the amount and jewels. When the petitioner questioned about this, she is trying to avoid her. Hence, the petitioner lodged a complaint on 24.06.2015 enclosing the receipt of jewels pledged by the said Sumathi. Till date, no action has been taken on the said complaint. Hence, the present petition has been filed.

3. Learned Additional Public Prosecutor submitted that

the allegation is civil in nature and the dispute is only with regard to the loan given by the petitioner to the said Sumathi.

4. Considering the submissions made on either side, this Court is constrained to pass the following order:-

[i] The petitioner is directed to submit a fresh copy of the complaint to the respondent, within a period of one week from the date of receipt of a copy of this order, along with a copy of this order.

[ii] On receipt of the same, the respondent is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then the respondent is directed to proceed further in accordance with law, as early as possible.

[iii] During the course of enquiry, if the respondent comes to a conclusion that the matter is civil in nature, the respondent may advise the party to approach the civil Court.

The criminal original petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gya

To

1.The Inspector of Police,
J-8, Neelangarai Police Station,
Neelangarai, Chennai-15.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Karthikeyan, Advocate, sr.62858

Cr1.O.P.No.24173 of 2015

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