

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.24560 of 2015

A.Rajasekar

... Petitioner

Vs

State,
Represented by,
The Inspector of Police,
Pallikaranai Police Station,
Chennai.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a case based on the complaint given by the petitioner on 23.08.2015.

For Petitioner : Mr.D.Bennington

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to register a case based on the complaint given by the petitioner on 23.08.2015.

2. The petitioner is running a construction business in the name and style 'Sri Kruba Builders and Promoters' along with one Mrs.Chitra W/o Prabhakaran. The said concern is a partnership firm. The petitioner invested a sum of Rs.50 lakhs for the said business. The petitioner and the said Chitra entered into an agreement with one Unikrishnan, S/o P.Sankaran for constructing flats on joint venture at No.29 Mudichur Village , Kanchipuram District. Pursuant to the same, the petitioner spent nearly Rs.40 lakhs for getting the materials for constructions and on the other hand, the said Chitra has not invested any amount in the said project. The petitioner, due to trust and confidence on Chitra did not verify the accounts and documents of the partnership firm but the said Chitra, with the aid of her husband, misappropriated the funds in the partnership firm. Hence, he has lodged a complaint before the respondent police. Since no action was taken, this petition has been filed.

3. Heard the learned counsel or the petitioner and the learned Additional Public prosecutor.

4. Learned Additional Public Prosecutor submitted that the complaint is with regard to partnership firm and the dispute is between the two partners. Therefore, there cannot be any direction to the respondent police. Hence, he opposed this petition.

5. Learned counsel for the petitioner submitted that there is misappropriation of amount and the petitioner was threatened with dire consequences, when he asked about the misappropriation. He further submitted that the complaint was received by the respondent police and C.S.R.No.900/2014 was assigned.

6. Considering the submissions made on either side, this Court directs the respondent to conduct an enquiry on the complaint dated 23.08.2015 given by the petitioner, and proceed further in accordance with law, as early as possible and if no prima facie case is made out, the respondent police is directed to pass appropriate orders.

7. The criminal original petition is disposed of accordingly.

vsi

-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Pallikaranai Police Station,
Chennai.
 2. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.D.Bennington, Advocate SR 63279

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