

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.25548 of 2015

A.Rajamani

.. Petitioner

..vs..

1. The State rep. By
Inspector of Police
Peelamedu Police Station
Coimbatore

2. The Commissioner of Police
Coimbatore

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent herein to register a case on the complaint of the petitioner dated 12.09.2015 entered in C.S.R.No.266 of 2015.

For Petitioner : Mr.S.Ravi

For Respondents: Mr.Emalias
Additional Public Prosecutor

O R D E R

The present petition has been filed seeking a direction to the first respondent to register a case based on the complaint given by the petitioner dated 12.09.2015.

2. It is the case of the petitioner that he along with three other persons started a partnership firm in the name and style of Advance Cutting System at Thottipalayam, Avinashi Road, Coimbatore and on 01.04.2011, the existing partners retired and one Kumarasamy, Shanmugam and Sathishkumar were inducted as partners with a monthly salary of Rs.20,000/- and it was agreed that only with the consent of all partners money transaction has to be done. While so, the petitioner suffered chest pain, due to which he could not attend the factory for some time. Taking advantage of the illness, the other partners and the auditor conspired together and swindled the share of the petitioner. When the petitioner questioned the same, they abused and threatened the petitioner. Hence, the petitioner lodged a

complaint dated 12.09.2015. Since no action was taken on the complaint thereafter, the petitioner came forward to file this petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that it is a dispute between the partners in a partnership firm and on receipt of the complaint, C.S.R.No.266 of 2015 has been assigned and the matter is under investigation.

5. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the first respondent to conduct an enquiry on the complaint dated 12.09.2015 given by the petitioner, if enquiry was not conducted so far and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gpa

To

1.The Inspector of Police
Peelamedu Police Station
Coimbatore

2. The Commissioner of Police
Coimbatore

3. The Public Prosecutor
Madras High Court Chennai

+ 1 cc to Mr.S. Ravi, Advocate SR.60344

CrI.O.P.No.25548 of 2015

PUR(CO)

EU 19.11.15