

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25649 of 2015

K.Vinoth Kannan

...Petitioner

Vs

1. State rep. by
The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.

...Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondents to register the case on the
basis of the complaint dated 1.9.2015 lodged by the petitioner.

For Petitioner : Mr.K.Ventaramani, SC
for Mr.S.Shankar

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

ORDER

The present criminal original petition has been filed
seeking a direction to the respondents to register a case on the
basis of the complaint dated 1.9.2015 lodged by the petitioner.

2. In the petition, it is averred that the petitioner
studied upto 12th Standard. In the month of June 2014, the
petitioner saw an advertisement in Daily Thanthi newspaper
issued by Chennai Amirtha International Institute of Hotel
Management. In the said advertisement, it has been stated that
if anyone joins the institute, there will be 100% job placement

and also stipend of Rs.10,000/- per month would be paid and also for a job in a foreign country. The same type of advertisements were telecast in various T.V. Channels. On 13.7.2014, in the print and electronic media, the said institute issued an advertisement as if the institute entered into an agreement with Taylors University at Malaysia and Sheffield University at Australia and if the students study in their institute, they can migrate to Australia. Lured by the said advertisement, the petitioner and his friends K.Surendran, G.Muthazhagan and R.Prabhakaran paid the first instalment fees and joined the course. While so, in the month of September, 2014, the petitioner went to the institute for paying the remaining fees. On the same day, they came to know about the information from the daily newspaper that this Court issued a direction to the Central Crime Branch to register cheating case against the said institute. Therefore, the students at the office wanted to return their money. At that time, the CEO Boominathan came there and informed them that some vested interested persons spread a false news and he would arrange their study and job at Australia. In the month of July, the petitioner again went to the office of the said institute. But, they gave evasive reply. Further, when they approached the State Bank of India for educational loan by producing a copy of the recognition certificate issued by various Universities and the agreement entered into with the Taylors University, Malaysia and Sheffield University, Australia, with the Chennai Amirtha International Institute of Hotel Management, the Manager of the Bank, after perusing those documents, stated that all the documents are fake and he refused to grant loan. Hence, the petitioner lodged a complaint with the respondent police on 1.9.2015 with sufficient documents. But, till date, the respondent police has not registered a case based on his complaint. Hence, the petition.

3. When the matter was taken up for consideration, learned senior counsel appearing for the petitioner submitted that whenever a complaint is lodged before the respondent police, they are only assigning CSR number and thereafter, by conducting enquiry and by settling the matter between the institute and the students, used to close the complaint. Further, learned senior counsel has submitted that the allegation made in the complaint dated 1.9.2015 given by the petitioner would show that the persons involved in the offence, have committed cognizable offence. Therefore, he sought for a direction to the respondent police to register a case as against the Chennai Amirtha International Institute of Hotel Management

and enquire into the matter. In this regard, learned senior counsel has also relied upon a judgment of the Hon'ble Supreme Court in the case of Lalita Kumari v. Government of Uttar Pradesh and others reported in (2014) 2 SCC 1.

4. Learned Additional Public Prosecutor has submitted that the petitioner is not cooperating with the enquiry and if the petitioner is cooperating with the enquiry, necessary action would be taken as against the said institute.

5. In view of the said submissions made on either side, this Court directs the second respondent to conduct an enquiry on the complaint dated 1.9.2015 given by the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to register a case within a period of four weeks from the date of receipt of a copy of this order and proceed further in accordance with law, as early as possible. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.

3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.S.Shankar, Advocate SR.No. 60206

Cr1.O.P.No.25649 of 2015

AR II (CO)

PSI (05.11.2015)