

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.25810 of 2015
and M.P.No.1 of 2015

1. Selvaraj
2. S.P.Murugesan
3. Loganathan
4. N.Sakthivel
5. N.Kadaganravi
6. V.Natarasan
7. Eswaramoorthy
8. S.Tamilarasu
9. S.S.Velappan
10. Thavasiraja
11. Periyasamy
12. K.Muthusamy
13. S.Ramesh
14. R.Muthusamy
15. S.A.Venkatesan
16. Eswaramoorthy
17. R.Muthusamy
18. J.A.Palanisamy
19. A.Raji
20. Sampathkumar

... Petitioners

Vs.

1. The Superintendent of Police,
Erode, District, Erode
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Bhavani, Erode District.
3. The Inspector of Police,
Vellithiruppur Police Station,
Erode District
4. C.Shamsudeen
S/o.Hameed,
Thayampalli House,
Masjid Road,

Kannure-14, Keral
(4th respondent impleaded
as per the order of this Court made
in M.P.No.1 of 2015 in
CrI.O.P.25810 of 2015,
dated 23.11.2015)

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the third respondent police to register the case on the complaint given by the petitioners dated 03.10.2015 and consequently take action as per law against the said persons.

For Petitioners : Mr.M.Senthilkumar

For Respondents : Mr.C.Emalias for R1 to R3
Additional Public Prosecutor
Mr.V.Subramanian for R-4

ORDER

This petition has been filed seeking a direction to the third respondent police to register the case on the complaint given by the petitioners dated 03.10.2015.

2. The petitioners herein are farmers and they are cultivating bananas in their agricultural lands. While so, one Abdul Saleem and his brother Samsudeen, who are merchants of the raw bananas having their office at N.H.Edat, Casco Planation Merchant, Paiyur, Kannanur District, Kerala State, approached the petitioners on 25.11.2015 and after purchase, they have promised to pay a sum of Rs.35,75,000/- towards the purchase made by them within a period of 20 days and also bills were issued in the name of Sampath, one of the petitioners. When the petitioners have demanded the money from the said Abdul Saleem and his brother Samsudeen, they did not pay the same. Hence, the petitioners lodged a complaint before the third respondent police on 03.10.2015. But, the third respondent did not receive the complaint. On the very same day, the petitioners sent another complaint to the respondent by registered post and the same was received, but till date no action was taken. Hence, they have come forward with this present petition.

3. Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that after enquiry, the matter was closed since it only pertains to recovery of money.

4. In view of the submissions made by the learned Additional Public Prosecutor that already the complaint is closed, now nothing survives in this petition for adjudication and hence, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to work out their remedy in the manner known to law.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

srn/mrp

To

1. The Superintendent of Police,
Erode, District, Erode
2. The Deputy Superintendent of P olice,
O/o.Deputy Superintendent of Police,
Bhavani, Erode District.
- 3.The Inspector of Polcie,
VelliThiruppur, Police Station
Erode Dist.
- 4.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.M.Senthilkumar, Advocate, sr.63288
+1 cc to Mr.V.Subramanian, Advocate, sr.63302

Cr1.O.P.No. 25810 of 2015

vs CO
kra 15.12.2015

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