

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25954 of 2015

K.Yuvaraj

... Petitioner

Vs

The Inspector of Police,
Crime,
B-13, Pothanur Police Station,
Coimbatore.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the respondent police to register an FIR on the basis
of the petitioner's complaint dated 13.07.2015.

For Petitioner : Mr.A.Thirumaran

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

O R D E R

सत्यमेव जयते

The present petition has been filed seeking a direction to
the respondent to register an FIR on the basis of the
petitioner's complaint dated 13.07.2015.

2. In the affidavit, it is stated by the petitioner that
the petitioner was running an Ice Cream show room and came
acquainted with one Mahendra Kumar and his wife Vanitha; that
three years ago, the said Mahendra Kumar and his wife Vanitha
approached the petitioner stating that they are disposing their
house and they need a sum of Rs.12,00,000/- to meet out the
urgent commitments and gave 5 blank cheques; that since the
petitioner was not satisfied, the said Mahendran brought his

brother-in-law, Santhosh Mahaveer and Rajesh who were running jewellery shop by name Sri Lakshmi Thanga Maaligai at Chennai and gave assurance to the petitioner that they will stand as guarantors for the loan given to Mahendra Kumar; that thereafter, the said Mahendra Kumar and wife failed to return back the loan amount; that subsequently, the petitioner came to know that in a similar fashion, Mahendra Kumar and wife cheated one Devaraj to the tune of Rs.61,00,000/-, Hardip Patel a sum of Rs.10,00,000/-, Rajendran a sum of Rs.8,00,000/-, Gnanamurthy a sum of Rs.4,00,000/- and Suresh, a sum of Rs.87,500/-. Hence, the petitioner has lodged as early as on 13.07.2015 but till date, there is no progress on the complaint lodged by the petitioner.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the matter involves advancement of amount by the petitioner to the said Mahendra Kumar. Therefore, the matter is purely civil in nature. Hence, he opposed this petition. However, learned counsel for the petitioner submits that there is an element of cheating and the said Mahendrakumar has not only cheated the petitioner but several other persons in similar fashion.

4. Considering the submissions made on either side, this Court directs the respondent to conduct an enquiry on the complaint dated 13.07.2015 lodged by the petitioner. If the materials gathered indicates commission of any cognizable offence, the respondent police is directed to proceed further in accordance with law, as early as possible. In the event, during investigation, the respondent police comes to a conclusion that the matter is civil in nature, the respondent police can advise the party to approach the Civil Court.

6. This criminal original petition is disposed of accordingly.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsi

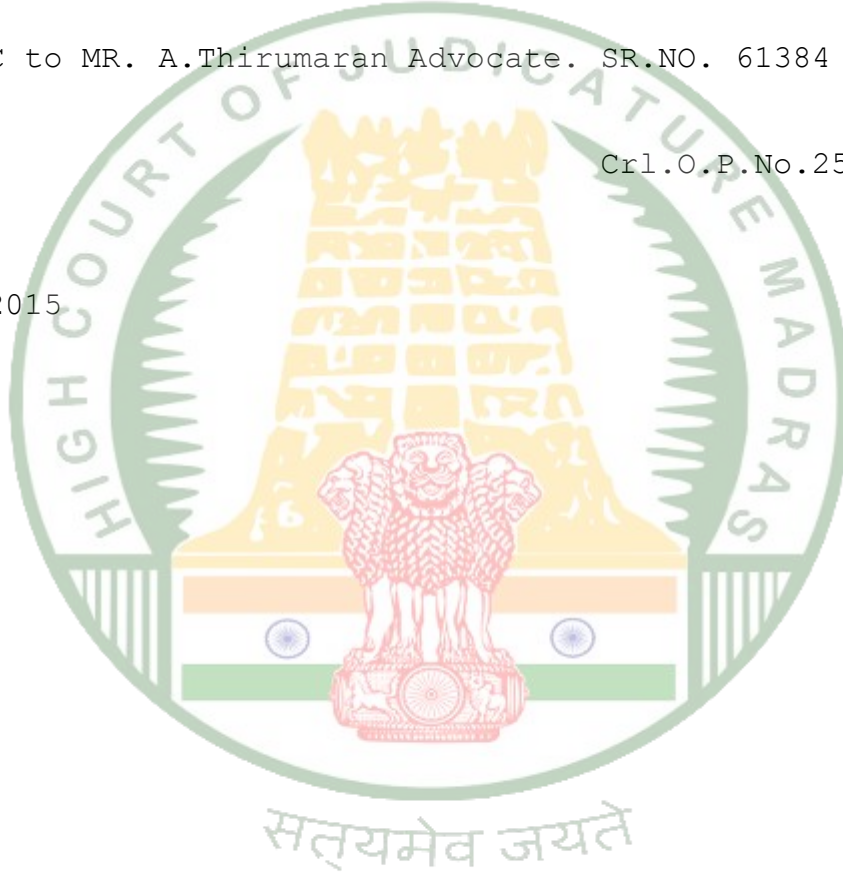
To

1. The Inspector of Police,
Crime,
B-13, Pothanur Police Station,
Coimbatore.
- 2.The Public Prosecutor,
High Court, Madras.

+1 CC to MR. A.Thirumaran Advocate. SR.NO. 61384

Crl.O.P.No.25954 of 2015

AR-IV
JD 23/11/2015



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