

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26883 of 2015

K.Kasinatha Gownder

... Petitioner

Vs

State rep. by
The Inspector of Police,
District Crime Branch,
Villupuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a case based on the complaint lodged by the petitioner dated 20.10.2015 before the respondent and investigate the same according to law.

For Petitioner : Mr.C.V.Kumar

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

ORDER

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the complaint lodged by the petitioner dated 20.10.2015 before the respondent and investigate the same according to law.

2. In the petition, it is averred that the petitioner is 80 years old. One P.A.Mohamed Shriff borrowed a sum of Rs.3,00,000/- from the petitioner on 13.1.2007 promising him to return the said amount within three months. However, even after seven years, the said P.A.Mohamed Shriff did not return the amount. When the petitioner demanded money, he refused to return the same and also threatened him with dire consequences. Hence, the petitioner gave a complaint dated 2.4.2015 to the Superintendent of Police and on 7.4.2015, the said P.A.Mohamed Shriff promised him that he would return the amount on or before 30.5.2015. However, he has not returned the said amount. Hence, the petitioner sent a complaint to the respondent police through registered post on 20.10.2015. But, till date, no action has been taken. Hence, the petition.

3. Learned Additional Public Prosecutor has submitted that it is only a civil dispute and the matter relates to recovery of money in respect of the loan amount advanced by the petitioner.

4. But, the learned counsel appearing for the petitioner submitted that the petitioner was threatened by the said P.A.Mohamed Shriff with dire consequences. Thus, he prays for a direction to the respondent to register the complaint.

5. Considering the submissions made on either side, this Court directs the respondent to conduct an enquiry on the complaint dated 20.10.2015 with regard to the allegation made by the petitioner in respect of the alleged threatening made by the said P.A.Mohamed Shriff and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to 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 Inspector of Police,
District Crime Branch,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C.V. Kumar, Advocate SR.60245

CrI.O.P.No.26883 of 2015

PUR(CO)

EU 19.11.15