

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.26917 of 2015

T.Kalieswaran

... Petitioner

Vs

1. The Deputy Commissioner of Police,
T.Nagar Range,
T.Nagar, Chennai.

2. The Inspector of Police (Crime),
Pondy Bazaar Police Station,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent police to register the complaint of the petitioner dated 7.10.2015 referred by the first respondent to the second respondent in current paper file No.1295/DCTNR/OC/15.

For Petitioner : Mr.S.Sathish Rajan

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

ORDER

The present criminal original petition has been filed seeking a direction to the second respondent police to register the complaint of the petitioner dated 7.10.2015 referred by the first respondent to the second respondent in current paper file No.1295/DCTNR/OC/15.

2. In the petition, it is averred that the petitioner was working in Naturals Uni Sex Salon and Spa for nine years. He used to deposit the daily collection from the Salon to the IDBI Bank, T.Nagar Branch, Chennai with the employer's account. The receipts of such deposits were handed over to his employer. While so, his employer Mrs.Sowmiya Vijay Anand made an allegation against the petitioner as if he has misappropriated a sum of Rs.3,67,000/- without depositing the collected amount. The petitioner denied the said allegation made against him. On 1.10.2015, the petitioner was taken to Naturals Head Office at Nungambakkam and in that office, one Mrs.Bharathi, Mr.Lenin, Mr.Lingesh and Senthil, who are all working in that office,

threatened him with dire consequences and forcibly obtained his signature in bond papers. Further, the above said persons have forcibly taken his HTC Desire 816 model cell phone, TVS Apache Motor Cycle bearing registration No.TN-01-AX-2921, ATM card of IDBI Bank and his family card. Further, the employer has also compelled the petitioner to work in her Salon without any salary till the entire alleged shortfall of Rs.3,67,000/- is adjusted. The petitioner also paid a sum of Rs.25,000/- to his employer, but even then, he was made to work in the Salon as a bonded Labour without any salary. Hence, the petitioner lodged a complaint dated 7.10.2015 with the first respondent and the first respondent referred the complaint to the second respondent for necessary action. But, till date, the second respondent has not registered a case based on his complaint. Hence, the petition.

3. Learned Additional Public Prosecutor has submitted that the complaint given by the petitioner appears to be a counter complaint. He has further submitted that the employer of the petitioner has also given a complaint as against the petitioner with regard to the alleged misappropriation of the amount during the course of his employment.

4. Considering the submissions made on either side, this Court directs the second respondent to conduct an enquiry on the complaint dated 7.10.2015 given by the petitioner as well as the complaint given by the employer of the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the second respondent is directed to proceed further in accordance with law, as early as possible. This criminal original petition is disposed of accordingly.

sbi

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Deputy Commissioner of Police,
T.Nagar Range,
T.Nagar, Chennai.
2. The Inspector of Police (Crime),
Pondy Bazaar Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.S.Sathish Rajan, Advocate SR 59649

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