

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

CRL.O.P.No.27066 of 2015

Kothari Industrial Corporation Limited,
Rep.by its Power Agent,
Mr.D.Jaganraj,
No.114, Mahathma Gandhi Street,
Nungambakkam,
Chennai 600 034. ..Petitioner

/vs/

The State Represented by
The Sub Inspector Police,
Central Crime Branch,
Team-3, Vepery,
Chennai 7. ..Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent, the Inspector of Police, Central Crime Brnach, Team-3, Chennai to register a First Information Report under Sections 406, 417, 420 and 465 of the Indian Penal Code for the complaint dated 09.09.2015 and to investigate into the offences and file a final report.

For Petitioner :Mr.S.Sivaraman
For Respondent :Mr.C.Emalias, APP

O R D E R
सत्यमेव जयते

This petition has been filed seeking a direction to the respondent police to register a First Information Report under Sections 406, 417, 420 and 465 of the Indian Penal Code based on the complaint of the petitioner dated 09.09.2015, investigate the same and file a final report.

2.The case of the petitioner is that the petitioner is engaged in the manufacturing and trading of the fertilizer products. One Mr.Vijayakumar, who is the Authorized signatory of M/s Mangal Trading Bombay Private Limited, approached the petitioner and offered to arrange an Letter of Credit(LC) facility from his bank for Rs.2.25 crores for rock phosphate. In

furtherance to the deal, the said Vijayakumar had asked the petitioner to transfer the margin money of Rs.45 lakhs to his account with M/s Mangal Trading Bombay Private Limited in order to help him for arranging the said LC amount within a week. Upon his assurances and on good faith, the petitioner had transferred Rs.45 lakhs from the State Bank of India, Nungambakkam Branch, Chennai to the account of the said Vijayakumar. The said transfer was duly acknowledged by him through various email communications. Despite several requests, the said Vijayakumar did not answer to the petitioner's call and has been trying to evade the petitioner's legitimate dues. Hence, the petitioner had filed a complaint before the Commissioner of Police, Egmore. But, no action has been taken till date. The respondent closed the complaint stating that there are no records to prove any offence. But, according to the petitioner, the correspondences between him and the accused will substantiate his claim. Hence, the petitioner has filed the present criminal original petition.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent submitted that after conducting enquiry, the complaint was closed on 19.09.2015 and a copy of the closure report dated 19.09.2015 has also been produced before this Court.

4. Recording the submission made by the learned Additional Public Prosecutor, the criminal original petition is closed as nothing survives in the criminal original petition. However, the petitioner is at liberty to workout his remedy in the manner known to law.

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-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector Police,
Central Crime Branch,
Team-3, Vepery,
Chennai 7.

2. The Public Prosecutor,
High Court, Madras.

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