

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27291 of 2015

A.Johnybhai

... Petitioner

Vs

The State Represented by
The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register the case on the petitioner's complaint dated 24.03.2015 lodged with respondent police by person on 23.03.2015 and also by R.P.A.D. on 08.10.2015 against the accused Johnson Babu on merits in accordance with law within a stipulated period of time frame in the light of the Hon'ble Supreme Court of India Judgment made in Lalita Kumari Vs. Govt. of U.P. And Ors. Writ Petition (Criminal) No.68 of 2008, dated 12.11.2013.

For Petitioner : Mr.R.Krishnamurthy

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent police to register a case based on the complaint of the petitioner dated 23.03.2015 and investigate the same in accordance with law.

2. The petitioner has been running a small size Jewellery shop at Karumbukadai, Coimbatore and one of his customer Mrs.Bhuvana has introduced one Johnson Babu, S/o.Ameer John, Pallipatti, Bommidi, Dharmapuri District, as Gold Biscuit Merchant. The petitioner had given Rs.3,25,000/- on 11.11.2014 and the said Johnson Babu gave 3 gold biscuits weighing about 50g. Later on, the same Johnson Babu told the petitioner that if the petitioner pays Rs.21,25,000/-, he would give 4 Gold biscuits weighing about 1 kg. Believing the words, the petitioner gave Rs.21,25,000/- to the said Johnson Babu by borrowing money for exorbitant interest from the money lender. After receiving the money from the petitioner, the said Johnson

Babu absconded and he neither gave the gold biscuits weighing about 1 kg nor returned the money to the petitioner. But, he threatened the petitioner with dire consequences. Hence, the petitioner lodged a complaint with the respondent police to take criminal action against the said Johnson Babu and for recovery of Rs.21,25,000/-. The respondent police conducted enquiry and recovered a sum of Rs.6,30,000/- from the said Johnson Babu and he also gave an undertaking before the respondent police that he would pay the remaining balance amount of Rs.14,95,000/- to the petitioner through respondent police. But he has not returned the amount so far. As no further action has been taken by the respondent, the petitioner has filed the present Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that the said Johnson Babu has given undertaking letter stating that he will pay the balance amount of Rs.14,95,000/-. He further submitted that since the matter is purely civil in nature, the petitioner may be directed to work out his remedy before the civil forum. But the counsel for the petitioner denies the same and submits that there is an element of cheating on the part of the Johnson Babu and thus sought for direction to register the complaint.

5. In view of the submissions made on either side, this court directs the respondent police to conduct enquiry on the complaint given by the petitioner dated 23.03.2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. During the course of enquiry, if the respondent police comes to the conclusion that the matter is purely civil in nature, the respondent may pass an appropriate order in accordance with law.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc/vsm

To

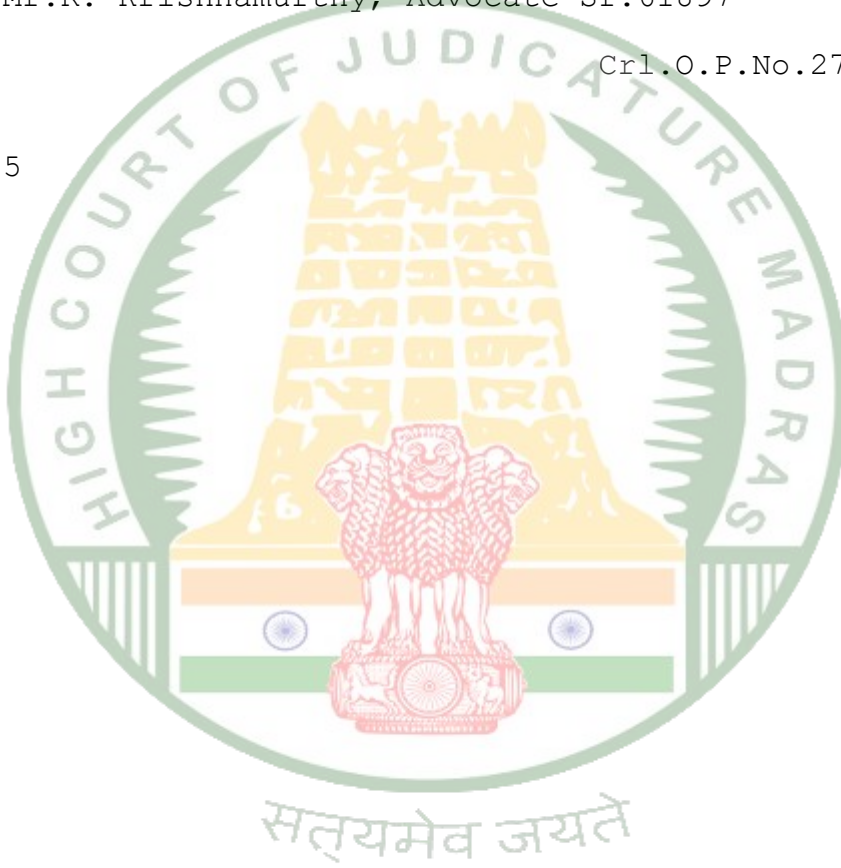
1. The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R. Krishnamurthy, Advocate Sr.61897

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