

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27630 of 2015

1. M.Ganesan
2. Rukmani ... Petitioners/Defacto Complainant.

Vs

1. The District Superintendent of Police,
Kancheepuram District
Kancheepuram
2. The Inspector of Police,
Sriperumpudur Police Station,
Kancheepuram District ... Respondents/Complainant.

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent police to register a case on the complaint given by the petitioners to the 2nd respondent herein on 19.10.2014.

For Petitioner : Mr.S.Arivazhagan
For respondents : Mr.C.Emalias,
Addl.Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to direct the 2nd respondent police to register a case based on the complaint of the petitioner dated 19.10.2014.

2. In the petition it is stated that the petitioners have obtained a loan of Rs.50,000/- for their family expenses about two years back from one Mary wife of Balaji agreeing to repay the same with interest at the rate of Rs.20/- for Rs.100/- per month. The petitioners have repaid the same to the tune of Rs.2,00,000/- along with principal and interest, more than the amount which was received by them. Though the petitioners have cleared the entire loan amount along with interest and principal in excess, the said Mary and Balaji used to threaten the petitioners herein with dire consequences, hence the petitioners have lodged a complaint against the said persons. Since no

action was taken, the petitioners have come forward with the present petition.

3. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that earlier counter petitioners have lodged a complaint against these petitioners with regard to a money dispute. During the enquiry, the petitioners have agreed to repay the amount. Therefore, the said complaint was closed and thereafter, the present complaint has been filed by the petitioners. Thus, he opposed to grant direction.

4. The learned counsel for the petitioners submitted that in the present complaint they have made specific allegation that the counter petitioners are demanding excess interest amount and harassing the petitioners. Thus, he sought for a direction.

5. I have heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

6. Irrespective of the submissions made on either side, this Court directs the petitioners to give a fresh complaint within a period of one week from the date of receipt of copy of the order and on receipt of such complaint, the respondent police is directed to conduct enquiry and upon enquiry if there are materials indicating commission of cognizable offence, he is directed to investigate the matter and if there is no prima facie case to register a complaint, the 1st respondent police is further directed to pass appropriate orders on the said complaint as early as possible.

7. This criminal original petition is disposed of accordingly.

ssd

-s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The District Superintendent of Police,
Kancheepuram District
Kancheepuram
2. The Inspector of Police,
Sriperumpudur Police Station,
Kancheepuram District

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Arivazhagan, Advocate SR 66407

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