

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.27799 of 2015

T.Srinivasan

...Petitioner

Vs

1.The Commissioner of Police,
O/o The Commissioner of Police,
Poonamallee High Road,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
(Crime), R-9 Police Station,
Valasaravakkam, Chennai - 600 087.

3.The Sub-Inspector of Police,
(Crime), R-9 Police Station,
Valasaravakkam,
Chennai - 600 087.

4.S.Thirukumaran

5.M.Elumalai

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent police herein to direct the second and third respondents police herein, take legal action against the fourth and fifth respondents herein, after registering the case based on the petitioner's complaint dated 31.10.2015.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the first respondent police herein, to direct the second and third respondents police herein, take legal action against the fourth and fifth respondents herein, after registering the case based on the petitioner's complaint dated 31.10.2015.

2.The case of the petitioner is that the petitioner is running a private clinic, under the name and style of "Baskaran", where the clinic was situated at No.1/14, Gangai Amman Koil Street, Vadavasi Road, Perani, Chetput Post, Police Taluk, Thiruvannamali District. On 08.09.2014, the petitioner shifted his family from the above said address and settled down in Chennai for the purpose of his children education. While so, on 14.01.2015, one S.Thirukumaran and M.Elumalai, who are the respondents 4 and 5, along with two others entrusted a sum of Rs.1,20,000/- without any reason to the petitioner and when the petitioner asked him for entrusting the above said amount, they told that for the purpose of getting Government job from TNPSC they are entrusting the the said amount. But, the petitioner refused to receive the same because the petitioner did not know any person. Immediately, they left from that place. After three months, the said Elumalai came to collect a sum of Rs.60,000/- from the petitioner. Even at that time, the petitioner asked the above said persons why you suddenly entrusted the money and now, asked to return the same, because the petitioner was in a confused state of mind. But, the said Elumalai convinced the petitioner. Later on, On 13.02.2015, respondents 4 and 5 along with one Dhandapani came and asked for the said amount and the petitioner returned back a sum of Rs.60,000/-. In the said situation, a complaint has been lodged by the fourth respondent against the above said Elumalai and the petitioner for collecting the said sum of Rs.60,000/-. Based on the false complaint, the petitioner was called for enquiry and the respondent police obtained a written statement from the petitioner forcibly, as if the petitioner agreed to return the above said sum of Rs.60,000/-. Hence, the petitioner lodged a complaint before the respondents 1 to 3 to take proper legal action against respondents 4 and 5. But, the said complaint has not been registered sofar. Hence, the present criminal original petition has been filed.

3.I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

4.The learned Additional Public Prosecutor submitted that the complaint was sent only by post and if a direction is given to the petitioner to give a fresh complaint, necessary action will be taken.

5.In view of the submissions made on either side, this Court directs the 2nd respondent to conduct enquiry based on the complaint of the petitioner dated 31.10.2015 and upon enquiry, if materials are gathered indicating commission of any

cognizable offence, the 2nd respondent is directed to proceed further, in accordance with law, as early as possible and if no prima facie case has been made out, the 2nd respondent is at liberty to pass appropriate order on the complaint given by the petitioner.

6. With the above directions, this criminal original petition is disposed of.

sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

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To

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Poonamallee High Road,
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2. The Inspector of Police,
(Crime), R-9 Police Station,
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3. The Sub-Inspector of Police,
(Crime), R-9 Police Station,
Valasaravakkam, Chennai - 600 087.
4. The Public Prosecutor,
High Court, Madras.

+1 CC to MR. Dalit Tiger C. Ponnusamy Advocate. SR.NO.63595

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CO-VGI
JD 19/01/2016

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