

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27973 of 2015

T.Udayakumar

... Petitioner

Vs

1.The Director General of Police,  
Office of the Director General of Police,  
No.5, Kamarajar Salai, Mylapore,  
Chennai - 600 004.  
Tamil Nadu, India.

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

3.The Assistant Commissioner of Police,  
E-3, Police Station,  
Teynampet,  
Chennai - 600 018.

4.The Inspector of Police,  
(Crime),  
E-3, Police Station,  
Teynampet,  
Chennai - 600 018.

5.The Vice-Rector on International Affairs  
Kazan State Medical University  
State Educational Establishment of  
Higher Professional Training  
Kazan State Medical University,  
49, Butteroy Street,  
Kazan, Russian Federation, 420012.

6.The Dean Faculty of International Studies,  
Kazan State Medical University,  
49, Butteroy Street,  
Kazan,  
Russian Federation,  
420 012.

7.M.S.Suresh

8.C.Ravichandran

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the fourth respondent herein to register the case based on the petitioner's complaint vide in CSR No.1296/CSR/E3PS/2015 dated 03.11.2015 on the file of fourth respondent police herein.

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 fourth respondent herein to register a case based on the petitioner's complaint vide in CSR No.1296/CSR/E3PS/2015, dated 03.11.2015 on the file of the fourth respondent police herein.

2.The petitioner lodged a complaint before the fourth respondent as against the 7th and 8th respondents stating that the 7th and 8th respondents, who are running a consultancy by name "Study Abroad Educational Consultants" having office at No.74, Kasthuri Rangan Road, Alwarpet, Chennai have sent the petitioner for studying medicine at Khazan State Medical University, Russia on the basis of an agreement, which was signed by the petitioner's father on 6.06.2013. Pursuant to the same, the petitioner's father paid a sum of Rs.6,00,000/- including all the expenses for first year and the petitioner spent Rs.5,00,000/- for studying second year course. After completing the first and second year courses, when the petitioner entered into the third year course, all of sudden, the petitioner was not allowed to enter into the third year course class, by letter dated 21.09.2015 stating that the petitioner's name was removed from the said university. On verification, the petitioner was told that the above said University can accommodate only 50 numbers of foreign students alone and the students, who were sent through the above said agency from India are considered to be excess.

3.When the petitioner approached the said agency, they treated the petitioner very badly and the above said accused persons have acted indifferently. On further verification, the petitioner came to know that the said agency, knowing fully well that there is no vacancy available for M.B.B.S. seats, sent many students, than the sanctioned quota only with an intention to get commission from the said university. On the other hand, the said

University admitted the students, after getting the entire fees from the students and thereafter they will send back the students to India after some period has been lapsed, without any reason. For sending students to Russia, the agency was being paid the commission for more than 40%. It is a systematic fraud played by the said agency in collusion with the Kazhan State Medical University in which more than 40 students were affected. The petitioner's father has spent more than Rs.20 lakhs and the petitioner has spent 2 years of educational carrier, but without any reason, the petitioner was sent out from the University. When the petitioner and his father had approached the above said two persons, they threatened them with dire consequences apart from misappropriating the funds of the petitioner with criminal intention. Hence, the petitioner lodged a complaint before the respondents. Though C.S.R.No.1296 of 2015 was assigned on the said complaint, till date no action was taken. Hence, the present criminal original petition has been filed.

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 4.

5.The learned Additional Public Prosecutor submitted that on receipt of the complaint, C.S.R.No.1296 of 2015 has been assigned and the matter is pending for enquiry.

6. In view of the submissions made by the petitioner as well as the Additional Public Prosecutor, this Court directs the fourth respondent to conduct enquiry on the complaint of the petitioner dated 03.11.2015 in C.S.R.No.1296 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the fourth respondent is directed to proceed further in accordance with law, as early as possible.

7. This criminal original petition is disposed of accordingly.

सत्यमेव जयते

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vs/ari

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To

1.The Director General of Police,  
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Tamil Nadu, India.

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4.The Inspector of Police,  
(Crime),  
E-3, Police Station,  
Teynampet,  
Chennai - 600 018.

5.The Public Prosecutor,  
High Court, Madras.

1 cc to Mr. Dalit Tiger C. Ponnusamy, Advocate, Sr. 63594

Cr1.O.P.No.27973 of 2015

TM (CO)  
kk 28/12

सत्यमेव जयते

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