

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27999 of 2015

R.Mullainathan

... Petitioner

Vs

State rep.by its
The Inspector of Police,
Laspettai Police Station,
Puducherry.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register a case based on the complaint dated 17.11.2015 in accordance to law.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.V.Balamurugan
Additional Public Prosecutor(Pondy)

O R D E R

The present criminal original petition has been filed seeking direction to to the respondent police to register a case based on the complaint of the petitioner dated 17.11.2015 in accordance to law.

2. The case of the petitioner is that the petitioner is the owner of the car, bearing registration No.TN-31-AC-7731, which was standing in the front of the petitioner's house on 16.11.2015. The petitioner kept a sum of Rs.1,36,000/- inside the car dash board. On the next day, when the petitioner saw the vehicle, the said vehicle has been stolen along with money. On enquiry made by the petitioner with others, he came to know that the Tata Finance Company Employees namely, Sivagnanam and Sivaraj have taken the above said vehicle. Hence, the petitioner has lodged a complaint before the respondent police and the same has been taken on file in CSR No.73 of 2015, however, till date no action was taken by the respondent. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Pondicherry) appearing for the respondent.

4. The learned Additional Public Prosecutor(Pondicherry) submitted that based on the complaint of the petitioner, CSR No.73 of 2015 has been assigned and the respondent is prepared to conduct enquiry on the complaint given by the petitioner. It is further represented that the petitioner has purchased the vehicle under a hire purchase agreement. Since the petitioner has not paid the instalment, the vehicle was taken by the counter petitioners. Now, the petitioner has lodged a false complaint against the counter petitioners.

5.Considering the submissions made on either side, this Court is constrained to pass the following order:

The respondent is directed to conduct enquiry on the complaint given by the petitioner dated 17.11.2015 in C.S.R.No.73 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out, the respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.

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-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Laspettai Police Station,
Puducherry.
2. The Public Prosecutor,
High Court, Madras.

+ 1 cc M/s.W.Camyles Gandhi, Advocate SR 64721

cgs(co)
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