

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28150 of 2015

B.P.Joshuva

... Petitioner

Vs

The Inspector of Police,
D1, Triplicane police station, (Crime)
Chennai-600 005.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the Inspector of Police D1, Triplicane, Police Station (Crime) Chennai to register an FIR on the complaint of the petitioner dated 04.02.2015 and the same is pending in C.S.R.No.104 of 2015 on the file of the respondent and further direct the respondent to file the final report as required under Section 170(1) of the Code of Criminal Procedure.

For Petitioner : Mr.K.Balakrishnan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

The present petition has been filed seeking a direction to the respondent police to register a case based on the complaint lodged by the petitioner dated 04.02.2015.

2. The petitioner herein lodged a complaint against one Rajesh Kumar stating that the petitioner had advanced a sum of Rs.17 lakhs to the said person. When the petitioner asked the said person to return the said amount, Rajesh Kumar and Ananathan told that they will pay the money by pledging their house document in any one of the bank and requested the petitioner to arrange the Bank Loan. The petitioner also arranged for bank loan in Dena Bank and took Rajesh Kumar and his mother Shenbagavalli to Dena Bank. The Bank wanted the Pan Card and Income Tax returns of Shenbagavalli. Since Shenbagavalli does not have pan card and I.T.returns papers, the petitioner paid another sum of Rs.1,21,113/- for filing the I.T

returns for the purpose of getting the pan card. Even, thereafter, the Dena Bank has not sanctioned the mortgage loan to the Shenbagavalli and Rajesh Kumar. When the petitioner asked Rajesh Kumar to return the sum of Rs.17 lakhs, they replied that they won't pay the money and the petitioner can do whatever he wants. Hence, the petitioner lodged a complaint and the same is pending on the file of the respondent in C.S.R.No.104 of 2015. Since, no action has been taken so far, the petitioner has come forward to file the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that the matter appears to be a civil in nature. Hence, he opposed to give any direction to register the case.

5. From the facts and circumstances of the case, I find that the complaint lodged by the petitioner has been assigned CSR Number as C.S.R.No.104 of 2015. Hence, this Court directs the respondent to conduct enquiry in C.S.R.No.104 of 2015 and dispose of the same in accordance with law, as early as possible, preferably within two months from the date of receipt of a copy of this order.

6. The criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
D1, Triplicane police station, (Crime)
Chennai-600 005.

2. The Public Prosecutor,
High Court, Madras.

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