

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28420 of 2015

P.Shyam Prasath

.. Petitioner

Vs

1. The Inspector of Police,
H3, Tondiarpet Police Station,
Chennai - 81.

2. The Commissioner of Police,
Chennai City,
Vepery, Chennai -7.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a case on the complaint dated 07.11.2015 and to investigate the matter and to submit the final report within a time frame as fixed by this Court.

For Petitioner : Mr.M.Raju

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case on the complaint dated 07.11.2015 and to investigate the matter and to submit the final report within a time frame as fixed by this Court.

2. In the petition, it is stated that the petitioner herein along with one C.Vasanthakumar were doing plastic, polythene bags/materials selling and supplying business for

several years. Whiles, the petitioner and said C. Vasantha Kumar acted as guarantors for one Karthic who availed chit amount of 5 lakhs from Gokulam Chits Fund. After receiving chit amount, the said Karthick failed to repay the monthly chit amounts. Hence, C.Vasanthakumar pressurised the petitioner to pay the chit amount on behalf of said Karthic, due to which, dispute arose between the Petitioner and C.Vasanthakumar and subsequently, they have dissolved the company and the petitioner settled the business transactions with C.Vasanthakumar and in consequent of which, both the parties have agreed that the balance amount of Rs.1,50,000/-to be paid to Vasanthakumar by petitioner. Accordingly, the petitioner paid Rs.1,50,000/- to him through a person by name Arokiyaraj and obtained proper acknowledgement and thereafter stopped the entire business transaction. In the circumstances, on 9.9.2015, the said Arokiyaraj, at the instigation of Vasanthakumar, came to the petitioner's office and threatened the petitioner with dire consequences. Hence he lodged a complaint against the petitioner on 7.11.2015 before the 1st respondent and on receipt of the same C.S.R.No.563 of 2015 has been assigned.

3. Learned Additional Public Prosecutor submitted that the matter appears to be purely civil in nature and in order to give a criminal colour, the allegation of being threatened is purposely introduced in the complaint.

4. 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.563 of 2015. Hence, irrespective of the submissions made on both sides, I direct the 1st respondent to conduct enquiry in C.S.R.No.563 of 2015 only with regard to the allegation of being threatened and dispose of the same on merits and in accordance with law, as early as possible.

5. The criminal original petition is disposed of accordingly.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

msr

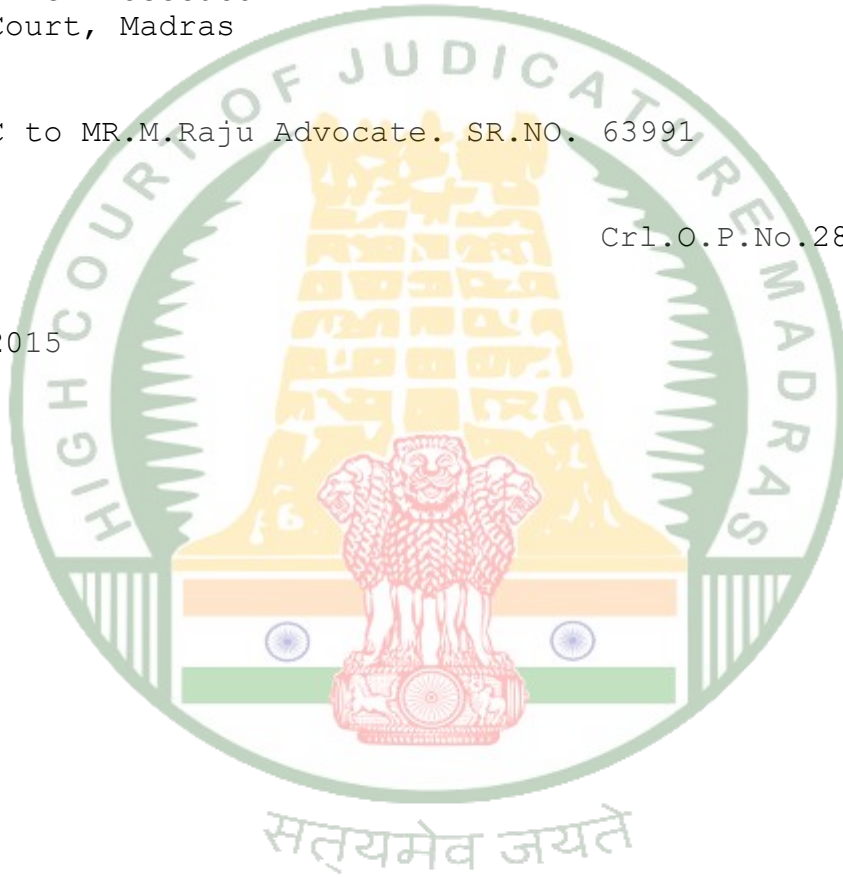
To

1. The Inspector of Police,
H3, Tondiarpet Police Station,
Chennai - 81.
2. The Commissioner of Police,
Chennai City,
Vepery, Chennai -7.
3. The Public Prosecutor
High Court, Madras

+1 CC to MR.M.Raju Advocate. SR.NO. 63991

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CO-SKV
JD 18/12/2015



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