

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28422 of 2015

Parthiban

... Petitioner

Vs

The Inspector of Police,
L&O,
K-3,Aminjekarai Police Station,
Chennai 600 029

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the case against the complaint given by the petitioner to the respondent 22.09.2015 presently pending before the respondent.

For Petitioner : M/s.Gajalakshmi Rajendran

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

O R D E R

The present criminal original petition has been filed seeking a direction directing respondent to register the case against the complaint given by the petitioner to the respondent 22.09.2015 presently pending before the respondent.

2. The petitioner herein has lodged a complaint against one Venkatesan @ Padayappa stating that he had purchased an Auto from the said Venkatesan @Padaiappa for Rs.35,000/- and he paid the said amount at several dates. After receipt of the amount, the said Venkatesan handed over the vehicle, but detained with him the original documents relating to Auto. When he demanded for the same, the said Venkatesan demanded more money and refused to hand over the original documents of the vehicle and also threatened him. Hence he lodged complaint against the above person for illegal detention of original documents of vehicle.

3. Learned counsel for petitioner submitted that though the complaint was lodged on 22.09.2015, till date, the respondent police has not registered any case on his complaint. Hence, the present criminal original petition has been filed.

4. Learned Additional Public Prosecutor submitted that the matter appears to be purely civil in nature and in order to give criminal colour, the allegation of being threatened was purposely introduced in the complaint. He further submitted that the complaint was lodged through post and if the same was lodged in person, appropriate action would be taken.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. However, irrespective of the submissions made on either side, this Court is of the opinion that it is appropriate to direct the petitioner to give a fresh complaint along with a copy of this order within a period of one week from the date of receipt of a copy of this order and on such complaint, the respondent is directed to conduct an enquiry on the complaint dated 22.09.2015 given by the petitioner. upon enquiry, if materials are gathered indicating any cognizable offence, the respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

7 This criminal original petition is disposed of accordingly.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
L&O,
K-3, Aminjakarai Police Station, Chennai 600 029

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.Gajalakshmi Rajendran, Advocate SR 64606

rsk(co)
prk15/12

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