

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28837 of 2015

J.Kannan

... Petitioner

Vs

The State rep. By
The Inspector of Police,
Veppery Police Station,
Chennai - 600 007

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to investigate, monitor and register an F.I.R. as per the C.S.R. receipt bearing No.931/CSR/G1/X/14 dated 17.12.2014 on the basis of the petitioner's complaint dated 15.12.2014.

For Petitioner : Mr.Paul Gnanamuthu

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 an F.I.R. as per the C.S.R. receipt bearing No. 931/CSR/G1/X/14 dated 17.12.2014 pending on the file of the respondent police.

2. In the petition, it has been stated that one R.A.Dhamodharan, Son of R.Adikesavalu, residing at No.151, E-10, Parry Flats, M.K.B. Nagar, Chennai - 600 039 is the relative of the petitioner. The said Damodharan is doing business in travels and he is also driver. He is having own cars and earning income by running the said cars for hire. One day the said Damodharan came to the petitioner's house and informed the petitioner that he is in need of a sum of Rs.5,00,000/-. But the petitioner gave a sum of Rs.3,65,000/- as loan. When the petitioner asked for repayment of the said loan amount of Rs.3,65,000/- the said R.A.Damodharan started to avoid the petitioner. Hence the petitioner gave a complaint before the Commissioner of Police against the said R.A.Damodharan and the same was forwarded to the Assistant Commissioner of Police, Veppery, who called the

petitioner for the enquiry on 20.08.2011 and enquired the matter. Thereafter, the said Damodharan handed over his own Hundai car bearing Reg.No.TN 05 AA 3745 towards the loan amount and get back the promisory note executed by him from the petitioner subsequently the petitioner came to know that the said Damodaran had purchased the car by availing loan and he did not pay 9 months instalments to the finance company. The petitioner sold the vehicle to the finance company and they have adjusted the loan amount of Rs.1,00,000/- and they paid only Rs.1,30,000/- to the petitioner. Hence, the petitioner requested the said Damodaran for repayment of balance amount. But the said Damodharan instead of repaying amount had threatened the petitioner with dire consequences. Hence, the petitioner lodged the complaint before the respondent and C.S.R.No. 931/CSR/G1/X/14 has been assigned. Since the respondent police has not registered any case on the petitioner's complaint, the present criminal original petition has been filed.

3.Learned Additional Public Prosecutor submits that the matter is purely civil in nature and the dispute between the parties is only with regard to the recovery of money. Therefore, no cognizable offence has been made out on the allegation made by the petitioner, however, on receipt of the complaint C.S.R.No. 931/CSR/G1/X/14 has been assigned.

4. The learned counsel for the petitioner denies the statement of the learned Additional Public Prosecutor that the matter is purely civil in nature and submitted that the complaint discloses allegation of cheating on the part of the counter petitioner.

5.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

6.Considering the submissions made on either side, since C.S.R. number has already been assigned, it is appropriate to direct the respondent to conduct an enquiry on C.S.R.No. 931/CSR/G1/X/14 and if there are materials indicating commission of offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out, the respondent is directed to pass appropriate order on the said complaint.

7. This criminal original petition is disposed of accordingly.

ssd

-s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The State rep. By
The Inspector of Police,
Veppery Police Station,
Chennai - 600 007

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Paul Gnanamuthu, Advocate SR 65894

skv(co)
prk30/12

Crl.O.P.No.28837 of 2015



WEB COPY