

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29068 of 2015

T.Ramamurthy

... Petitioner

Vs

1. The State of Tamilnadu
rep. By the Superintendent of Police,
Vellore, Vellore District
2. The Inspector of Police,
Pallikonda Police Station,
Pallikonda Vellore District ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to register a case based on the petitioner's complaint dated 21.03.2015 and investigate the same in accordance with law.

For Petitioner :Mr.S.Arunkumar

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

O R D E R

The present criminal original petition has been filed seeking a direction to the 2nd respondent to register a case based on the petitioner's complaint dated 21.03.2015 and investigate the same in accordance with law.

2. In the petition, it has been stated that the petitioner is having agricultural lands at his native place of Bramanamangalam Village, Vellore District. The adjacent land owner of the petitioner is one Mannar Naidu, who is a resident of Othiyathur Kommanakuttai and he owns a jaggery godown at Vellore. The petitioner has been producing jaggery for the past 25 years. The petitioner used to send jaggeries to the jaggery godown to Mannar Naidu in good faith and trust. The said Mannar Naidu was not giving any bill for the supply of the said jaggeries, but he used to give receipt in small chits. In the above transaction, the said Mannar Naidu has a due loan extent of Rs.2 Lakhs to the petitioner, inspite of repeated request of

the petitioner, the said Mannar has not paid the amount to the petitioner, but threatened the petitioner with dire consequences. Hence the petitioner lodged a complaint before the respondent police. Since no action was taken, the petitioner has come forward with the present petition.

3. The learned Additional public Prosecutor submitted that the dispute is between the petitioner and the counter petitioner with regard to the recovery of money. Therefore, the police cannot enquire into the matter.

4. The learned counsel for the petitioner submitted that there is a specific allegation that the petitioner was threatened by Mannar Naidu.

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, this Court directs the petitioner to give a fresh complaint along with the copy of the order to the 2nd respondent police within a period of one week from the date of receipt of copy of the order and on receipt of the same, the 2nd respondent police is directed to enquire the matter with regard to the allegation of the threat made by the counter petitioner and if there are materials indicating commission of an offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out to register the complaint, the respondent is directed to pass an appropriate order on the said complaint in accordance with law.

7. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Superintendent of Police,
The State of Tamilnadu
Vellore, Vellore District
2. The Inspector of Police,
Pallikonda Police Station,
Pallikonda Vellore District

3. The Public Prosecutor,
High Court, Madras.

+lcc to M/S.S.Arunkumar, Advocate sr.66140

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srg 04/1/2016



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