

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.29686 of 2015

A.Shahul Hameed

... Petitioner

Vs

1. The Superintendent of Police,
Salem District.
 2. The Inspector of Police,
Kondalampatti Police Station,
Salem District.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent police to register the complaint dated 19.11.2015.

For Petitioner : M/s.Karan and Uday

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

The present criminal original petition has been filed by the petitioner seeking a direction to the second respondent police to register the complaint dated 19.11.2015.

2. It is the case of the petitioner that he is running a provisional store and in the course of his business, he came to know one Kathirvel and they became friends. In the month of February 2015, the petitioner had borrowed a sum of Rs.1,50,000/- from the said Kathirvel as a hand loan agreeing to repay the same within a period of two months. At the time of borrowing the amount, the petitioner gave a cheque for Rs.1,50,000/- drawn on Indian Bank, Chavapet Branch, Salem in favour of the said Kathirvel for collateral purpose. Thereafter, the petitioner had repaid the said amount on various dates viz., a sum of Rs.15,000/- on 23.6.2015, a sum of Rs.35,000/- on 25.6.2015, a sum of Rs.50,000/- on 28.6.2015, a sum of Rs.50,000/- on 30.6.2015. After payment of entire loan amount, the petitioner asked the said Kathirvel to return the

cheque. But, he refused to return the same. While so, the petitioner received a notice from one Sugumar alleging that he had borrowed a sum of Rs.2,00,000/- from the said Sugumar and issued a cheque and at the time of collection, the said cheque was returned as insufficient funds. The petitioner had not given any cheque to the said Sugumar. However, with a mala fide intention to cheat the petitioner, the said Kathirvel colluded with Sugumar and issued the legal notice. Hence, the petitioner lodged a complaint with the second respondent police on 19.11.2015. But, till date, the second respondent police has not taken any action on the said complaint. Hence, the petition.

3. Learned Additional Public Prosecutor has vehemently opposed to grant a direction stating that no cognizable offence is made out in the complaint. However, the learned counsel appearing for the petitioner denied the same.

4. Keeping the submission made on either side, I have carefully gone through the allegations made in complaint and I find that the allegation made in the complaint does not warrant any direction from this Court, since as contended by the learned Additional Public Prosecutor, no cognizable offence is made out in the complaint. Hence, the criminal original petition is dismissed.

sbi

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Kondalampatti Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

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Cr1.O.P.No.29686 of 2015