

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30003 of 2015

A.Akthar Hussain

... Petitioner

Vs

The Inspector of Police [L&O],
F-2 Chindaripet Police Station,
Chennai-2.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a FIR based on the complaint of the petitioner dated 01.10.2015 investigate the same according to law against the accused person.

For Petitioner : Mr.A.P.Surya Prakasam
For respondent : Mr.C.Emalias, APP

O R D E R

The present criminal original petition has been filed to direct the respondent to register FIR based on the petitioner's complaint dated 01.10.2015.

2. The petitioner is the dealer in computer hardware and having office at No.839A, Heera Market, First Floor, Anna Salai, Chennai. In the month of March 2013, one Suresh Babu, who is residing at Hamsavani, Mettupalayam road, Press colony post, Coimbatore-641 019, has approached the petitioner and made him to believe that he has got orders for supply of computer materials to the Government of Tamilnadu. He has also represented that he is financially very sound person in Coimbatore. The said Suresh babu has also issued cheques on 07.05.2014 for a sum of Rs.15,09,000/- and Rs.50,00,000/-. Hence, computer materials worth more than Rs.65,00,000/- were entrusted to him. When the cheques, which were given by the said Suresh babu were presented to the bank for encashment, the same was returned as dishonoured. The said Suresh Babu was evading the payment for more than 2 years. Several times, the petitioner requested the said Suresh Babu to pay the amount due.

At the request of the said Suresh Babu, the petitioner went to Napier Park, Chindadripet along with the dishonoured cheques. While they were discussing, suddenly, Suresh babu over cell phone called his friends and they entered into the car and threatened the petitioner to hand over the dishonoured cheques. Fortunately, the watchman of the said park on hearing commotion came near the car and on seeing him, the petitioner jumped out the car and escaped from the place. Hence, the petitioner lodged a complaint on 01.10.2015. But, till date, no action was taken. Hence, the present Criminal Original Petition has been filed.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint was sent by the petitioner only by post. If a fresh complaint is given by the petitioner directly to the respondent, necessary action will be taken.

4. In view of the submission made by the learned Additional Public Prosecutor, the petitioner is directed to give a fresh complaint along with a copy of this order to the respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such complaint, the respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out for registering the FIR, the respondent is directed to pass an appropriate order on the said complaint.

5. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police [L&O],
F-2 Chindaripet Police Station,
Chennai-2.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.A.P.Surya Prakasam, Advocate, S.R.No.69446

CrI.O.P.No.30003 of 2015

vsn (CO)
srg (12/01/2016)



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