

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30248 of 2015

R.Rajkumar

...Petitioner

Vs.

Deputy Commissioner of Police,
Central Crime Branch,
Chennai.

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to file an F.I.R against the present governing committee members and the former committee members who have been implied in the complaint dated 18.05.2014, CSR No.64/2014, dated 19.05.2014, and the memorandum issued by the Deputy Commissioner of Police, Central Crime Branch-I, dated 16.06.2014 in accordance with law.

For Petitioner : Mr.Ezhil Bose

For respondent : Mr. C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to register an F.I.R against the present governing committee members and the former committee members, who have been implied in the complaint dated 18.05.2014, CSR No.64/2014, dated 19.05.2014, and the memorandum issued by the Deputy Commissioner of Police, Central Crime Branch-I, dated 16.06.2014 in accordance with law.

2. The petitioner is the Secretary of the Madras Flying club Limited. The funds collected by the club as deposits have been misappropriated by its governing committee members with the criminal intention. In order to suppress the facts, the governing committee has brought in Captain Jacob Selvaraj, an individual who was expelled from Life Membership of

Madras Flying Club earlier as Accountable Manager. The same individual promised to return the cadet deposits and flying fees in 2008, but cheated and misguided the students, without returning the funds. Hence, the petitioner has lodged a complaint on 18.05.2014 with the Joint Commissioner of Police and CSR No.64 of 2014 has been assigned on 19.05.2014, but no action was taken against the governing committee members. Hence, the present Criminal Original Petition has been filed.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submits that the respondent is not a competent person to enquire the matter, since the matter relates to the Ministry of Civil Aviation Department, Ministry of Company Affairs Department and Ministry of Social and Empowerment Justice Department.

4. In view of the submission made by the learned Additional Public Prosecutor, since the respondent is not the competent authority to enquire the matter, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is closed. However, the petitioner is at liberty to work out his remedy before the competent authority in a manner known to law, if he is so advised.

mrp

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. Deputy Commissioner of Police,
Central Crime Branch,
Chennai

2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. Ezhil Bose, Advocate Sr 69102.

RSI/CO
KR/22/12

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