

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30346 of 2015

C. Govindaraj

... Petitioner

Vs

1. The Superintendent of Police,
Cuddalore, Cuddalore District.
2. The Deputy Superintendent of Police,
Economic Wing Crime,
Cuddalore District

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register the petitioner's complaint dated 07.09.2015 and to file a final report according to law.

For Petitioner : Mr.S.L. Venkatesan

For respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the 2nd respondent to register the petitioner's complaint dated 07.09.2015 and to file a final report according to law.

2. It is stated in the petition that he sold out his land to an extent of 0.99 cents in S.Nos.30/4A, 98/1, 98/2, bearing Patta No.543 to one S.K.Karunakaran and R.V.Sendhil under threat. The above said persons issued cheques separately each for a sum of Rs.5,50,000/-, totalling to a sum of Rs.11,00,000/-. The original value of the property is Rs.31,00,000/-. Though they issued cheques, they did not honour the cheques, hence the petitioner lodged a complaint before the respondents on 29.5.2012. On receipt of same, the 1st respondent called the above said persons for enquiry on 31.5.2012 and the above said persons promised before the 2nd respondent that they would pay the amount as soon as possible. Again on 30.8.2012, the petitioner has lodged a complaint for non compliance of the

undertaking given by the above persons. The said persons again came to the petitioner and paid only Rs.10,000/- and failed to repay the entire amount. Hence he lodged compliant on 7.9.2015 against the above said persons before the respondents but till date, no action was taken. Hence, the petitioner has filed the present petition.

3. Learned counsel for the petitioner submitted that the petitioner is a senior citizen and is suffering from several old age ailments. He further submitted that though the complaint was lodged on 7.9.2015, the respondents have not taken action on the said complaint.

4. Learned Additional Public Prosecutor submitted that in the complaint lodged by the petitioner, no cognizable offence is made out and further the petitioner is also keeping silent about the fact as to whether the sale deed was executed by him or not and thus he opposed for granting direction.

5. From the facts and circumstances of the case, I direct the petitioner to give fresh complaint narrating the entire facts along with a copy of this order and on receipt of the same, the 2nd respondent is directed to conduct enquiry on the complaint of the petitioner and upon enquiry, if materials are gathered indicating any cognizable offence, the respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

6. The criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msr
To

1. The Superintendent of Police,
Cuddalore, Cuddalore District.
2. The Deputy Superintendent of Police,
Economic Wing Crime,
Cuddalore District

3. The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.S.L.Venkatesan Advocate sr.69703

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msm(co)
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