

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.04.2015
DELIVERED ON : 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.537 of 2015

Foods Fats & Fertilisers Ltd
No.222, Fountain Plaza
1st Floor, Pantheon Road
Egmore, Chennai 8
rep by Managing Director. ... Petitioner

vs.

The Deputy Commissioner of Police
Central Crime Branch
Egmore, Madras 8. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to re-enquire the entire and to register a case against the Hindustan Coca Cola Marketing Co.Ltd., for cheating and for misleading the Hon'ble Court of justice, so as to enable the petitioner to get back the hard earned money of Rs.22,65,600/- with interest at 12% per annum thereon right from the date on which it was due to the petitioner, on the strength of the petitioner's complaint dated 24.12.2014.

For Petitioner : Mr.Shanmugham
for Shanmugha Associates

For Respondent : Mr.C.Emalias, APP

ORDER

This petition has been filed to direct the respondent police to re-enquire and register a case against the Hindustan Coca-Cola Marketing Company Pvt. Ltd., on the strength of the petitioner's complaint dated 24.12.2014.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On a reading of the complaint dated 24.12.2014 it is seen that this petitioner was appointed by Hindustan Coca-Cola Marketing Company Pvt. Ltd. as their Distribution Agent and Distribution Agreement seems to have entered into between the

petitioner and the said Company, for distribution of the products of the Company in certain earmarked areas. It is alleged that, after giving the petitioner exclusive distribution rights, Hindustan Coca-Cola Marketing Company Pvt. Ltd. has appointed certain other persons as distributors for the same area, on account of which, the petitioner appears to have sustained loss of business. In para 2 of the complaint, it is stated as follows:

"2. We further submit that because of such strange attitude of the Hindustan Coca Cola Co., Pvt. Ltd, we gave a complaint on 07.05.2007, which came to be registered in Cr.No.515 of 2007 dated 03.09.2007 after the directions from the Hon'ble Court in Crl.OP.No.15291 of 2007. Thereafter, in the course of enquiry, a settlement was forced on us by the Police and thereby compelled us to sign an agreement on 20.10.2007, but the said agreement was not acted upon by the Hindustan Coca Cola Co. Pvt. Ltd., as a result of which the security deposit of Rs.9,15,600/- received under Ch.No.684466 dt.01.10.2004, from us by Hindustan Coca Cola Pvt. Ltd., as well as the rental arrears to the tune of Rs.13,50,000/- was not refunded to us till date. However, simply on the basis of such an unfulfilled agreement, forced on us by the police, the police closed the case against which we filed Protest Petition in Crl.MP.No.7320 of 2008 in Cr.No.515/2007 and the same was dismissed by the XI Metropolitan Magistrate, Saidapet and further revision in Crl.R.C.No.936 of 2009 also met with the same fate solely on the ground that the case has been "closed".

4. The allegation of the petitioner is that, he was forced upon by the police to accept the raw deal for the year 2007 with Hindustan Coca-Cola Marketing Company Pvt. Ltd. and therefore, he wants re-investigation of the case.

In the opinion of this Court, the complaint of the petitioner itself does not disclose commission of any cognizable offence and a purely civil dispute is being given a criminal colour. Therefore, the prayer sought for the by the petitioner cannot be granted. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar

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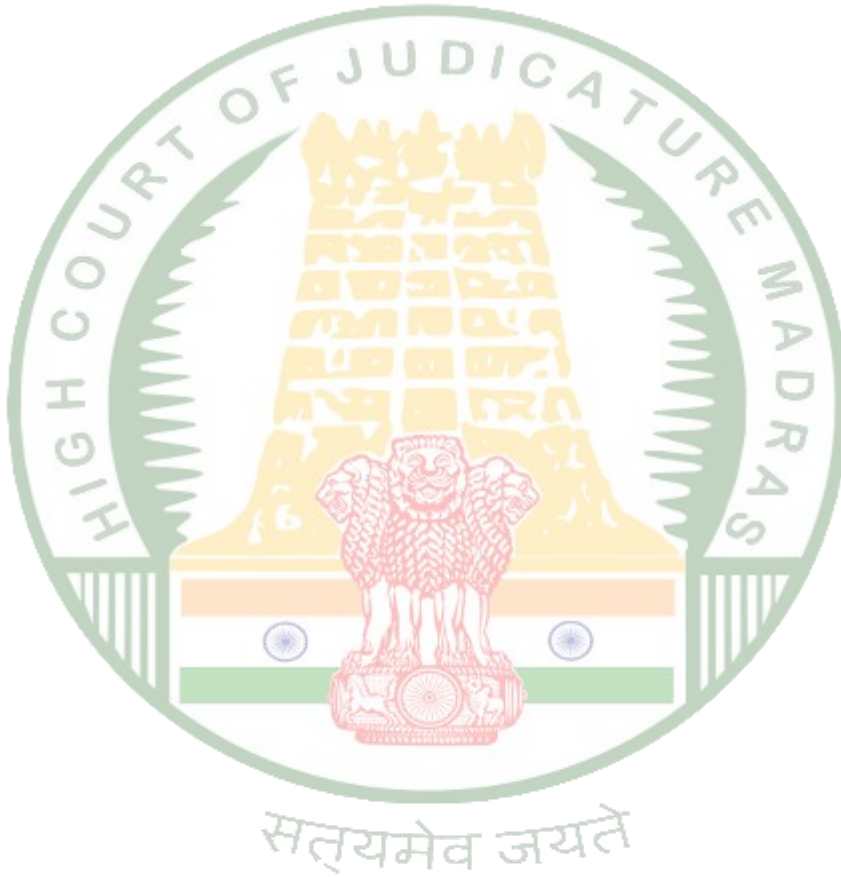
To

- 1.The Deputy Commissioner of Police
Central Crime Branch, Egmore, Madras 8.
- 2.The Public Prosecutor, High Court, Madras.

1 cc to M.s.Shanmugha Associates, Advocate, SR.No.28044

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