

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-02-2015

Coram

THE HONOURABLE MR. JUSTICE R.S. RAMANATHAN

Cr1.O.P. No. 678 of 2015

S. Vijayakumar

... Petitioner

Versus

1. The Commissioner of Police
Egmore, Chennai - 600 008
2. The Joint Commissioner of Police
Central Crime Branch
Vepery, Chennai - 600 007
3. The Sub-Inspector of Police
EDF-II, Team III
Central Crime Branch
Vepery, Chennai - 600 007

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to issue suitable direction to the respondents to register the complaint dated 15.12.2014 submitted by the petitioner and take necessary criminal action against the said persons in accordance with law.

For Petitioner
For Respondents

:
:

Mr. M.V. Venkateshan
Mr. M. Maharaja
Additional Public Prosecutor

सत्यमेव जयते
ORDER

The petitioner has come forward with this Criminal Original Petition praying to issue appropriate direction to the respondents herein to register a case on the basis of his complaint dated 15.12.2014.

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

3. It is submitted by the learned counsel for the petitioner that the petitioner is one of the Directors of QPlay India Private Limited. It is further stated that the other Directors in the company have indulged in criminal activities and misappropriated the funds of the company, besides selling the assets of the company. The

petitioner also submitted a list of articles which were available at the time of incorporation of the company and submits that most of those articles are not available now. It is the case of the petitioner that the other Directors of the company have indulged in cheating and misappropriation of the amount belonged to the company. When that was questioned by the petitioner, he was threatened by the other Directors of the company with dire consequences which necessitated him to give the instant complaint dated 15.12.2014. However, the respondents did not take any action on the basis of such complaint dated 15.12.2014, hence, the present Criminal Original Petition.

4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that on receipt of the complaint dated 15.12.2014 from the petitioner, an enquiry was conducted. As it was found that there are disputes among the Directors of a registered company, the complaint was closed as mistake of fact and the petitioner was directed to approach the appropriate legal forum.

5. I have gone through the complaint dated 15.12.2014 of the petitioner. According to me, the dispute involved in the present case relates to a civil transaction and it was given a criminal colour by the petitioner. Admittedly, the petitioner is one of the directors of a registered company and he is not entitled to claim any share from the company. If at all, as a Director, the petitioner is entitled to dividend. As a Director of a registered company, if the petitioner found that any misfeasance or misappropriation of the company funds is committed by the other Directors, the only remedy open to him is to file appropriate Petition before the Company Law Board for his redress. In any event, having regard to the nature of disputes involved in the present case, I am not inclined to issue any direction to the respondents to register a case on the basis of the petitioner's complaint dated 15.12.2014.

6. Accordingly, the Criminal Original Petition is dismissed.

-s/d-

Assistant Registrar(CO)

Dt:9/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
Egmore, Chennai - 600 008

2. The Joint Commissioner of Police
Central Crime Branch
Vepery, Chennai - 600 007

3. The Sub-Inspector of Police
EDF-II, Team III
Central Crime Branch
Vepery, Chennai - 600 007

4. The PUblic Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.V.Venkataseshan, Advocate SR 20110

msm(co)
prk11/3

Crl.OP No. 678 of 2015



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