



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P.(MD)No.18412 of 2015

M.Ramamurthi

.. Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District.

2.The Sub Inspector of Police,
Sathankulam Police Station,
Tuticorin.

.. Respondents

Petition filed under Section 482 of Code of Criminal Procedure to direct the second respondent herein to register the complaint of the petitioner, dated 04.05.2015, investigate into the case in accordance with law and file final report within a reasonable time.

Petitioner

: Mr.C.Padmaraj

For Respondents

: Mr.P.Kandasamy

Government Advocate (Crl.Side)

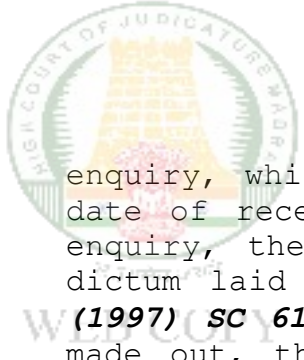
ORDER

This petition has been filed seeking a direction to the second respondent herein to register the complaint based on the petitioner's complaint dated 04.05.2015 and to investigate the matter in accordance with law.

2. Heard the submissions made by the learned counsel appearing on either side.

3. It is a case of the petitioner that he was a chit holder in the chit transaction done by one Mr.P.Subbiah and after the completion of twenty months, the said Subbiah is refusing to return the money to the petitioner herein. It appears that Mr.P.Subbiah has appeared before the respondent and gave an undertaking to settle the amount, but it was not settled. The undertaking is to repay the amount within a period of three months. The said statement has been recorded on 18.05.2014. Three months period is over. Only thereafter, this Criminal Original Petition has been filed.

4. As per the judgment of the Hon'ble Supreme Court in **Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]**, the second respondent is directed to call the proposed accused Mr.P.Subbiah for an



enquiry, which shall not extend beyond a period of **seven days** from the date of receipt of a copy of this order. In conducting the preliminary enquiry, they shall put the concerned party upon notice and follow the dictum laid down in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610**. At the end of the enquiry, if any cognizable offence is made out, the second respondent shall register a case. In the event of effecting closure of the case upon conducting a petition enquiry, intimation regarding closure shall be sent to the complainant. It is open to the petitioner to approach the concerned Judicial Magistrate in accordance with law, if he is aggrieved.

5. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tuticorin District.

2.The Sub Inspector of Police,
Sathankulam Police Station,
Tuticorin.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. C.Padmaraj, Advocate in SR.No 57034

AA/07.10.2015/2P - 5C AAL-MPA

Cr1.O.P. (MD) No.18412 of 2015

25.09.2015