



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P. (MD) No.18995 of 2015

D.Rajkumar

.. Petitioner

Vs.

1. THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT, TRICHY.

2. THE INSPECTOR OF POLICE,
THIRUVERAMPUR POLICE STATION,
TRICHY DISTRICT.

.. Respondents

Petition filed under Section 482 of Code of Criminal Procedure to issue a direction directing the respondents herein to register the complaint of the petitioner dated 03.09.2015, investigate the same in accordance with law and file final report within a reasonable time.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.P.Kandasamy

Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction to the respondents herein to register the complaint of the petitioner dated 03.09.2015, investigate the same in accordance with law and file final report within a reasonable time.

2.It is the case of the petitioner that the proposed accused promised to the petitioner that he would arrange jewel loan with lowest interest from the Indian Bank; based on the assurance, the petitioner gave 400 gms of jewels to the said person on 24.10.2011; the accused pledged 200 gms in his account and another 200 gms in his brother's account; subsequently, his brother died; thereafter, when the petitioner wanted to redeem the pledged jewels, he approached the accused, but he dragged on; later, the petitioner came to know that he redeemed all the jewels; when the petitioner questioned about the same, he scolded the petitioner with filthy language and threatened him with dire consequences. Hence, the petitioner has preferred the present complaint.

<https://hccourts.gov.in/home/index.html>

3.According to the learned Government Advocate (Crl.Side),

petition enquiry is pending.

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 respondent concerned may conduct a preliminary 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 parties 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 concerned 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 left 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 (AS)

/True Copy/

Sub Assistant Registrar

To

1. THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT, TRICHY.
2. THE INSPECTOR OF POLICE,
THIRUVERAMPUR POLICE STATION,
TRICHY DISTRICT.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.K.SIVABALAN, ADVOCATE IN SR NO. 58041

RJ2

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01.10.2015