

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.08.2016**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17080 of 2016

Athinarayanan Subramanian Alias Shiva ... Petitioner

Vs

1.Commissioner of Police
Egmore, Chennai

2.Inspector of Police
Central Crime Branch
Chennai - 600 008.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to register the FIR on the basis of the complaint given by the petitioner dated 20.10.2015.

For Petitioner : Mr.B.Kumar, SC for
 Mr.S.Ramachandran

For Respondents : Mr.C.Emalias
 Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to register the FIR on the basis of the complaint given by the petitioner dated 20.10.2015.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that on the complaint dated 20.10.2015 given by the petitioner, petition enquiry was conducted and the same was closed on 12.11.2015 and a copy of the closure report was furnished before this Court.

3. It is the case of the petitioner that he was induced by one J.K.Rithesh alias K.Sivakumar to invest heavily in certain ventures in Tamil Nadu and believing his representation, he had invested about Rs.2,18,00,000/- between 11.01.2014 and 30.09.2014. It is further alleged in the complaint that the said J.K.Rithesh and his associates, who have been named in the complaint, had assured the petitioner of astronomical profits, which induced the petitioner to make investment. However, the complainant did not get the promised returns. Therefore, he started demanding the return of his money. The said J.K.Rithesh returned the amounts that were paid by the complainant directly to him, to his wife and to his cousin Naganathar Sethupathi. As regards the amounts given to his associates namely Nageendran, Basheer @ Actor Vaali @ Vijaykarthik, Suresh Kannan and R.Muralidharan, the amounts were not returned. Hence, this complaint.

4. On a perusal of the closure report dated 12.11.2015, this Court finds that the enquiry has been done in a perfunctory manner. Though *prima facie* it appears to be a money dispute, yet the police have failed to enquire into certain aspects in the complaint. The police produced an agreement dated 02.02.2014 entered into between Nageendran and the complainant, in which, it is stated that the said Nageendran has a quarry license in Virudhunagar District and that, he would pay a sum of Rs.25,000/- per day to the complainant towards profit, which is highly ridiculous.

5. However, the respondent police have failed to enquire into the aspect as to whether Nageendran was really holding a quarry license as represented by him. Apart from that, a representation was made to the complainant that a huge contract from F.A.C.T., Kerala has been bagged by the accused, but in reality, they had no such contract. These are the aspects, which thus require a basic enquiry, to find out as to whether the accused had induced the complainant by fanciful representations, in order to relieve him of his monies.

6. Under such circumstances, the closure report dated 12.11.2015 filed by the Inspector of Police, Central Crime Branch, EDF-III, Team - XX, Vepery, Chennai -7, closing the complaint

lodged by the petitioner, is hereby set aside and the Assistant Commissioner of Police, Central Crime Branch is directed to conduct a fresh enquiry into the allegations made by the petitioner and take action in accordance with law.

7. This Criminal Original Petition is disposed of accordingly.

16.08.2016

rk/dpq

To

1. Commissioner of Police, Egmore, Chennai.
2. Inspector of Police, Central Crime Branch, Chennai - 8.
3. The Public Prosecutor, High court, Madras.

P.N.PRAKASH,J,

rk

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