

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.11848 of 2016

C. Ramesh

Petitioner

vs.

State represented by:

The Inspector of Police
D4, Jam Bazaar Police Station
Chennai 600 005

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to issue a direction to the respondent to register the case based on the petitioner's complaint dated 12.03.2015 and subsequently, direct the respondent to enquire the case within a stipulated period.

For petitioner	Mr. A. Suresh
For respondent	Mr. C. Emalias
	Addl. Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking a direction to the respondent to register a case based on the petitioner's complaint dated 12.03.2015 and subsequently, direct the respondent to enquire the case within a stipulated period.

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

3 On a reading of the complaint dated 12.03.2015, it is seen that the petitioner has alleged that he had borrowed a sum of Rs.5,000/- from one Dayalan in the year 2005 and as security, he had given eight cheques for Rs.1,000/- each, which are being misused by Dayalan. Even in the complaint, it is stated that Dayalan has initiated prosecution under Section 138 of the Negotiable Instruments Act, 1881 and that the petitioner was also convicted by the Trial Court. In appeal, the petitioner was acquitted in the year 2008. Thereafter, this complaint has been given alleging that the said Dayalan has misused the cheques.

4 In the considered opinion of this Court, the complaint does not disclose commission of any cognizable offence. Hence, no positive direction can be issued to the respondent police to register an F.I.R.

In the result, this Criminal Original Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

cad

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

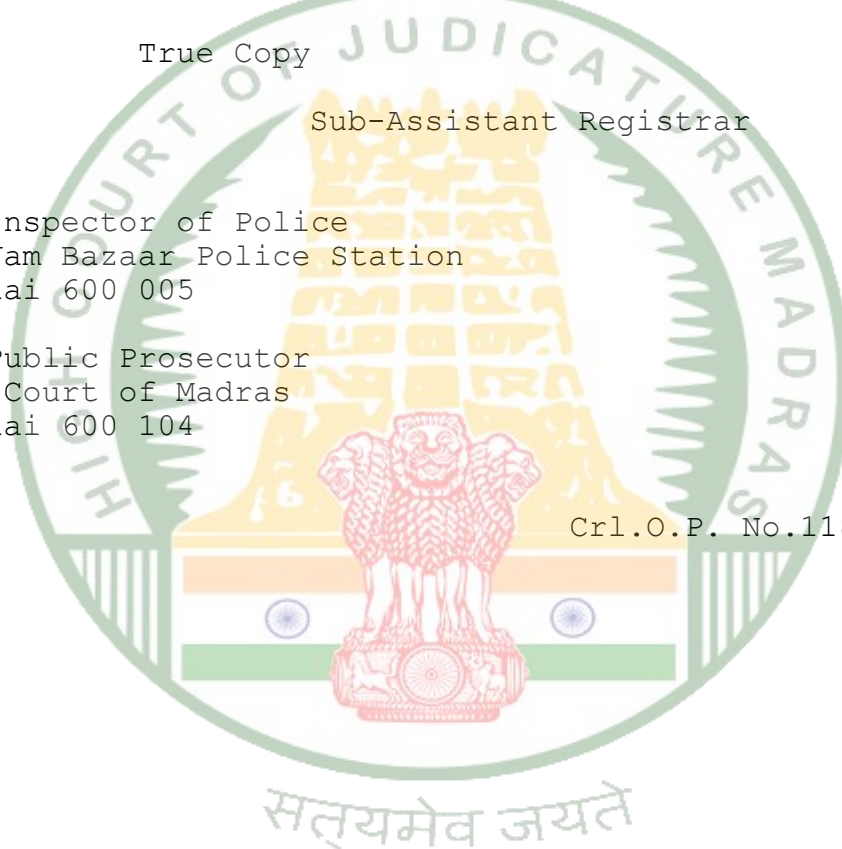
To

1 The Inspector of Police
D4, Jam Bazaar Police Station
Chennai 600 005

2 The Public Prosecutor
High Court of Madras
Chennai 600 104

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