

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15150 and 30486 of 2015

P.Sukkaran ... Petitioner
in Crl.OP.15150/15

Manjini ... Petitioner
in Crl.OP.30486/15

Vs

1.The State rep by
The Inspector of Police,
Orleanpet Police Station,
Pondicherry State.

2.Rajan

3.Venkatachalapathy

4.V.Kothainaiyaki

(Respondent 2 to 4 impleaded as per order
of this Court dt.5.10.15 in MP.1/15
in Crl.OP.15150/15)

... Respondents
in Crl.OP.15150/15

The Inspector of Police,
Crime Branch,
R-5 Virugambakkam Police Station,
Chennai.

... Respondent
in Crl.OP.30486/15

Crl.OP.No.15150 of 2015 : Criminal Original Petition filed
under Section 482 of Cr.P.C., praying to issue suitable
directions to the above respondent police to register a
criminal case against the above 3 persons based on the
complaint of the petitioner dated 03.01.2015 and deal with the
above said person as per law and file final report thereon.

Crl.OP.No.30486 of 2015 : Criminal Original Petition filed
under Section 482 of Cr.P.C., praying to direct the respondent
to register a case based on the petitioner's complaint dated
09.10.2015.

For Petitioner : Mr.S.V.Karthikeyan
in Crl.OP.15150/15

For Petitioner : Mr.K.G.Senthil Kumar
in Crl.OP.30486/15

For 1st Respondent : Mr.M.R.Thangavelu, PP
[Pondy]
in Crl.OP.15150/15 &
Respondent in
Crl.OP.30486/15
For R2 and R3
in Crl.OP.15150/15 : Mr.K.G.Senthil Kumar

C O M M O N O R D E R

Crl.O.P.No.15150 of 2015 has been filed to direct the respondent police to register the petitioner's complaint dated 03.01.2015 and Crl.O.P.No.30486 of 2015 has been filed to direct the respondent to register the petitioner's complaint dated 09.10.2015.

2. For the sake of convenience, the parties will be referred to by their name. It is the case of Sukkaran that he wanted medical college admission for his son and so, he had paid Rs.56,50,000/- to Mahatma Gandhi Medical College, Puducherry, through certain brokers by name Rajan, Venkatachalapathy and Kothainaiyaki and after getting the money, admission was not got by them. It is admitted by Sukkaran that Rs.40,00,000/- was returned by the said College and some balance amount has not been paid. Hence, Sukkaran lodged a complaint dated 03.01.2015 to the Inspector of Police, Orleanpet Police Station, Puducherry and no action was taken, he has filed Crl.O.P.No.15150 of 2015 for a direction to the Orleanpet Police to register an FIR.

3. When the matter was taken up for hearing, Rajan, Venkatachalapathy and V.Kothainaiyaki filed impleading petition through Mr.Senthil Kumar, Advocate and they were impleaded as respondents 2 to 4 in Crl.O.P.No.15150 of 2015. In the open Court, a demand draft for Rs.1,00,000/- was handed over to Sukkaran by the accused/respondents 2 and 3 on 15.09.2015. At the request of parties, the matter was referred to the Mediation Centre, where it is admitted by Sukkaran that he had received Rs.75,000/-. The mediation talks failed and therefore, the matter is back to the Court.

4. In the meanwhile, one Manjini has lodged a complaint dated 09.10.2015 to the Inspector of Police [Crimes], R-5, Virugambakkam Police Station, alleging that in the same transaction concerning Sukkaran, she was cheated by one Basha, Madhaiyan, etc.

5. Taking into consideration the enormous nature of allegations, this Court is of the view that it will be in the interest of justice, if the complaint given by Sukkaran and the complaint given by Manjini is directed to be investigated by the CBCID of Puducherry. Accordingly, the complaint dated 03.01.2015 given by Sukkaran to Orleanpet Police Station,

Puducherry stands transferred to the file of the CBCID, Puducherry for investigation.

6. Liberty is given to Manjini to approach the CBCID, Puducherry and lodge a fresh complaint in-person containing the very same contents as stated in the previous complaint dated 09.10.2015, within two weeks from the date of receipt of a copy of this order. On receipt of such complaint, the CBCID, Puducherry is directed to enquire into along with the complaint of Sukkaran and proceed in accordance with law.

With the above direction, these petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The CBCID,
Puducherry.

2.The Inspector of Police,
Orleanpet Police Station,
Pondicherry State.

3.The Inspector of Police,
Crime Branch,
R-5 Virugambakkam Police Station,
Chennai.

4.The Public Prosecutor [Pondy],
High Court, Madras.

+2ccs to Mr.K.G. Senthilkumar, Advocate, S.R.No.37241, 27242
+1cc to Mr. S.v. Karthikeyan, Advocate, S.R.No.37251

GJII(CO)
EU(26/07/2016)

CRL.OP.No.15150 and 30486 of 2015