

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.1376 of 2016

- 1.S.P.Murugesan
- 2.Loganathan
- 3.N.Sakthivel
- 4.N.Kadaganravi
- 5.V.Natarasan
- 6.K.P.Eswaramoorthy
- 7.S.Tamilarasu
- 8.S.S.Velappan
- 9.Periyasamy
- 10.Eswaramoorthy
- 11.K.Muthusamy
- 12.S.Ramesh
- 13.S.A.Venkatesan
- 14.R.Muthusamy
- 15.J.A.Palanisamy
- 16.A.Raji
- 17.Sampathkumar
- 18.R.Muthusamy
- 19.Thavasiraja

... Petitioners

Vs.

1. The Superintendent of Police,
Erode District, Erode.
2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Bhavani, Erode District.
3. The Inspector of Police,
Anthiyur Police Station,
Erode District.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register the case on the complaint given by the petitioners dated 28.12.2015 and consequently take action as per law against the accused persons.

For Petitioners : Mr.M.Senthilkumar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioners have come forward with this petition to direct the third respondent to register the case on the complaint given by the petitioners dated 28.12.2015 and consequently, take action as per law against the accused persons.

2.Learned counsel for the petitioners submits that the petitioners are cultivating bananas in their agricultural lands. They supplied the bananas to the proposed accused for a sum of Rs.35,00,000/-. Even though the petitioners demanded money, the proposed accused did not pay the same. Therefore, the petitioners have lodged a complaint and C.S.R.No.215/2014 was assigned. Though the case has not been registered on the said complaint, the petitioners have come forward with the petition in CrI.O.P.No.25810 of 2015 by invoking Section 482 Cr.P.C., in which, the respondent police stated that enquiry has been conducted and closed. So the said CrI.O.P.No.25810 of 2015 has been dismissed. Now the petitioners prays for issuing a direction to the third respondent to register the case stating that they have given a fresh complaint on 28.12.2015.

3.Resisting the same, learned Additional Public Prosecutor submits that similar prayer has been sought for in CrI.O.P.No.25810 of 2015, in which, it was specifically mentioned that enquiry has been conducted and closed. As per the order of this Court dated 23.11.2015, the said petition was dismissed with a liberty to the petitioners to move before the appropriate forum. But the petitioners without approaching the appropriate forum, have come forward with this petition. Hence, he prayed for dismissal of the petition.

4.Considered the rival submissions made on both sides and perused the materials available on record.

5.The petitioners are the suppliers of bananas to the proposed accused for several years. Since the proposed accused was amount due for Rs.35,00,000/- in the year 2014, immediately, the petitioners preferred the earlier complaint and C.S.R.No.215 of 2014 was assigned. As the case has not been registered, the petitioners have come forward with the

petition in CrI.O.P.No.25810 of 2015, in which, the respondent police stated that enquiry has been conducted and the same was closed. Hence, that petition was dismissed with a direction to the petitioner to approach appropriate forum.

6.Considering the aforesaid circumstances of the case, the petitioners without approaching the appropriate forum, have come forward with the present petition. Therefore, I do not find any merits in the petition and the Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Erode District, Erode.
2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Bhavani, Erode District.
3. The Inspector of Police,
Anthiyur Police Station,
Erode District.
- 4.The Public Prosecutor
High Court, Chennai.

+ 1 cc to M/s. M.S.Palaniselvaraj, Advocate Sr.8939

CrI.O.P.No.1376 of 2016

AK(CO)
Eu 22.02.16

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