

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.15060 of 2016

P.Shanmuga Nayagam @ Anandh ... Petitioner

Vs

1. State Rep.by
The Commissioner of Police,
The Office of Commissioner of Police,
Vepery, Chennai - 600 007.
2. State Rep.by
The Inspector of Police,
CCB EDF III HQ.,
Central Crime Branch Office,
Vepery, Chennai - 600 007. Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd Respondent police to register a case on the Petitioner's complaint dated 25.02.2016 pending on the file of 2nd respondent and investigate the same in accordance with law.

For Petitioner :R.Sasikumar

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the 2nd Respondent police to register a case on the Petitioner's complaint dated 25.02.2016 and investigate the same in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public prosecutor appearing for the respondents.

3. It is seen that the petitioner had earlier given a complaint dated 25.02.2016 to the respondent police and filed a Cr1.O.P.No.9766 of 2016, in which, this Court passed the following order;

<https://hcservices.ecourts.gov.in/hcservices/> "3. The learned Additional Public

Prosecutor submitted that on a complaint given by the petitioner, petition enquiry was conducted and closed on 22.04.2016 as "civil in nature".

4. Recording the submission of the learned Additional Public Prosecutor, the criminal original petition is closed with liberty to the petitioner to work out his remedy in the manner known to law."

Thereafter, the petitioner filed a second petition for the same direction, which is not maintainable.

4. Mr.Sasikumar, learned counsel for the petitioner submitted that the earlier complaint was closed on the ground that the petitioner had not given necessary documents to the police and now, the petitioner has obtained certain documents.

5. This Court perused the complaint dated 25.02.2016, on reading of it, it is seen that in the year 2013, the petitioner and one Sagayaraj were doing real estate business, in which, it is stated that the petitioner had invested money and that, the said Sagayaraj has not given him due returns.

6. In case of this nature, no positive direction can be issued to the respondent police to register an FIR, as that would amount to abuse of process of law. It is open to the petitioner to work out his remedy before the appropriate forum.

In view of the above, the criminal original petition is closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

sms

To

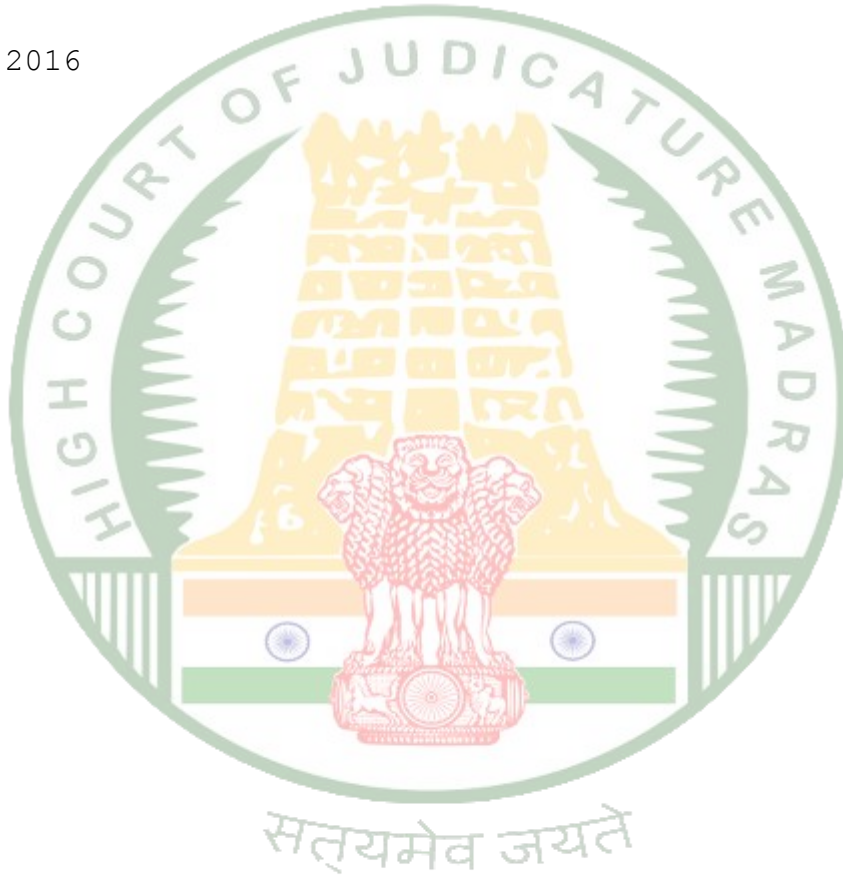
1. The Commissioner of Police,
The Office of Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
CCB EDF III HQ.,
Central Crime Branch Office,
Vepery, Chennai - 600 007.

3. The Public Prosecutor,
High Court, Madras.

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