

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.1.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1556 of 2016

Anand Nahar

... Petitioner

Vs

The Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. Seeking a direction to direct the respondent police to enquire and investigate and register a case/FIR based on petitioner's complaint dated 01.12.2015 within a time frame as may be fixed by this court.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor.

ORDER

The present criminal original petition has been filed for a direction to direct the respondent police to enquire and investigate and register a case/FIR based on petitioner's complaint dated 01.12.2015 within a time frame as may be fixed by this court.

2. The petitioner herein has lodged a complaint against three persons viz., S.Mukanchand Bothra and his sons Sandeep Bothra and Gagan Bothra stating that he borrowed Rs.5 lakhs from the said S.Mukanchand Bothra and at the time of borrowal, the said Mukanchand Bothra obtained petitioner's signatures in blank demand promissory notes and in blank white and green papers and in revenue stamp receipts and also obtained unfilled cheques from him. After discharging the said loan, when the petitioner demanded for return of unfilled cheques along with blank promissory notes etc., without returning the same, he demanded some more money. It is further alleged in the complaint that he further issued a notice demanding Rs.1.75 crores after deliberately filling up the blank cheques given

to him. When the petitioner demanded the said Mukunchand Bothra to return the said cheques, unfilled papers, receipts and promissory notes, he along with his sons Sandeep Bothra and Gagan Bothra joined together and threatened him with dire consequences. Though the complaint was lodged on 1.12.2015, till date, no action was taken by the respondent police.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. Learned counsel for petitioner submitted that though the complaint was lodged on 1.12.2015, till date, the respondent police has not registered any case on his complaint. Hence, the present criminal original petition has been filed.

5. Learned Additional Public Prosecutor submitted that the complaint was lodged only through post and if the same is lodged in person, appropriate action would be taken.

6. However, irrespective of the submissions made on either side, this Court is of the opinion that it is appropriate to direct the petitioner to give a fresh complaint along with a copy of this order within a period of one week from the date of receipt of a copy of this order and on such complaint, the respondent is directed to conduct an enquiry on the complaint given by the petitioner. upon enquiry, if materials are gathered indicating any cognizable offence, the respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

7. This criminal original petition is disposed of accordingly.

sd/-

Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

To

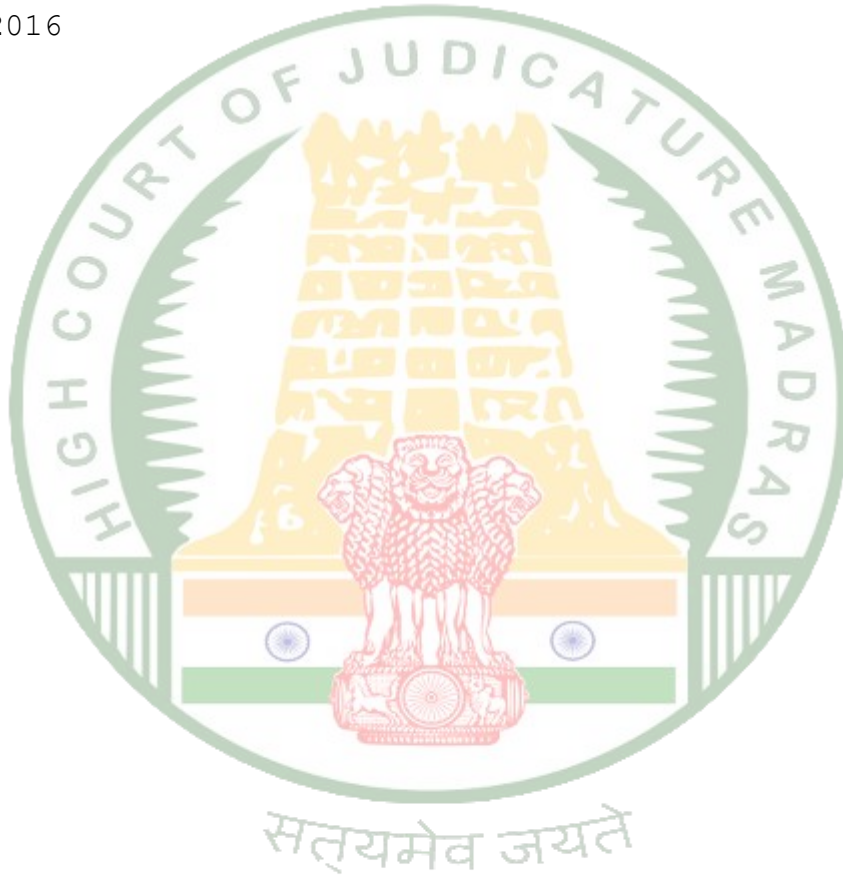
1. The Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.M.Kempuraj Advocate. SR.NO. 6059

Cr1.O.P.No.1556 of 2015

CO-RSK
JD 12/02/2016



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