

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.15818 of 2016

R.Vinothkumar

..Petitioner

Vs.

1.The Superintendent of Police
Vellore District
at Vellore.

2.The Inspector of Police
Ambur Taluk Police Station
Vellore District.

3.G.Kumaresan

... Respondents

[R3 impleaded as per order of this Court dated 22.08.2016]

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent to register a case on the complaint of the petitioner dated 18.07.2016.

For Petitioner	:	Mr.R.Ganesh Kumar for Mr.S.Shrenik Raj
For R1 and R2	:	Mr.C.Emalias, Addl.Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to direct the 2nd respondent to register a case on the complaint of the petitioner dated 18.07.2016.

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

3. Learned Additional Public Prosecutor submitted that on the complaint given by Kumaresan, a case in Cr.No.314 of 2016 has been registered against the petitioner on 15.08.2016 for offences u/s 294(b), 323, 506(i) and 379 IPC. On the complaint given by the petitioner, the petition enquiry is pending in CSR

No.154 of 2016.

4. It is the grievance of the petitioner that though he had borrowed money from Canara Bank and had defaulted in making payment, yet the Bank had not taken physical possession of the property in a manner known to law and that the Bank had auctioned the property. It is the contention of the impleaded respondent Kumaresan that, he had taken possession of the property through the Bank and therefore, the petitioner has no right to complain.

5. Be that as it may, the respondent police is directed to conduct enquiry and during the course of enquiry, if any cognizable offence is made out, a regular case shall be registered, in accordance with the law laid down by the Honourable Apex Court in Lalita Kumari vs. Govt. of U.P. & others [(2014) 4 SCC 1], otherwise, the petition may be closed under intimation to the petitioner.

With the above direction, this petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,Vellore District,at Vellore.
- 2.The Inspector of Police,Ambur Taluk Police Station,Vellore District.
- 3.The Public Prosecutor,High Court, Madras.

+1 cc to Mr.S.Doraisamy Advocate sr 48009

+1 cc to Mr.S.Shrenik Raj Advocate sr 47880

Cr1.OP No.15818 of 2016

WEB COPY

aa26/08/2016