

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.1582 of 2016

J.K.M.Jeyaprakash

... Petitioner

Vs

State rep. by
The Inspector of Police,
District Crime Branch,
Namakkal.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a case in the complaint given by the petitioner on 27.5.2014, and to investigate the same.

For Petitioner : Mr.I.C.Vasudevan

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the complaint given by the petitioner dated 27.5.2014 and to investigate the same.

2. It is the case of the petitioner that he is the Director of the mill viz., Pullikkar Mills Ltd. and his father is the Managing Director. Due to administrative difficulties, on an oral lease agreement, the said mill was given on lease to one Rajan B Shah. The said Rajan B Shah was managing the mill from 1.4.1998 to January 2014. At the time of oral agreement, the said Rajan B Shah expressed that if the Managing Director gave signed cheques, he could purchase raw materials for the mill from outside. As such, cheques were signed and given to Rajan B Shah from time to time to purchase raw materials. But, the said Rajan B Shah without giving the amount to cotton vendors, misappropriated the same to the tune of Rs.10,00,00,000/- and he has not paid the amount back to the petitioner. Hence, the petitioner lodged a complaint with the Superintendent of Police,

Namakkal, who in turn entrusted the complaint to the respondent herein. But, the respondent neither enquired the complaint nor registered the same. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the matter appears to be civil in nature. However, in spite of the same, the respondent is prepared to conduct enquiry. But, the petitioner is not cooperating with the enquiry. If the petitioner cooperates with the enquiry, necessary action would be taken by the respondent police.

4. In view of the said submission made by the learned Additional Public Prosecutor, this Court directs the respondent to conduct an enquiry on the complaint dated 27.5.2014 given by the petitioner and upon enquiry, if materials are gathered indicating commission of any offence, then he is also directed to proceed further in accordance with law, as early as possible. The petitioner is also directed to cooperate with the enquiry. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
District Crime Branch,
Namakkal.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.I.C.Vasudevan, Advocate, S.R.No.5388

rsy(CO)
srg(12/02/2016)

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