

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.1596 of 2016

S.Bama

... Petitioner

Vs

1.The Commissioner of Police,
Veppery, Chennai.

2.The Inspector of Police,
R.3 Ashok Nagar Police Station,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the complaint dated 30.12.2015 on the file of the Inspector of Police, R.3 Ashok Nagar Police Station.

For Petitioner : Mr.E.Kotteeswaran

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

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to register the petitioner's complaint dated 30.12.2015.

2. It is the case of the petitioner that she is working as a teacher and she knows the counter petitioner Gowry for the past seven years. In the year 2010, the petitioner stood as a guarantor for one Buvaneshwari for the loan availed by her from the said Gowry to the tune of Rs.35,000/-. Since the petitioner stood as a guarantor, she gave blank money bond and cheques to the said Gowry. While so, the said Buvaneshwari was in default in payment and hence, the petitioner repaid the same and asked the said Gowry to return the blank cheques and money bond. But the said Gowry refused to return the same stating that Buvaneshwari availed another sum of Rs.1,00,000/-

as loan and only after repaying the said amount, she would return the blank cheques and bond. When the petitioner finally informed her that she could not make any further amount, the said Gowri along with her husband and relatives threatened her with dire consequences. Hence, the petitioner lodged a complaint with the first respondent police, who in turn, forwarded the same to the second respondent. But, till date, the second respondent did not take any action on the said complaint. Hence, the petition.

3. Learned Additional Public Prosecutor submitted that on a perusal of the complaint, prima facie, it appears that there is a money dispute between the parties and no cognizable offence is made out. Thus, he opposed to give any direction to the respondent police to register the complaint given by the petitioner.

4. But, the learned counsel appearing for the petitioner denied the same and submitted that there is a specific allegation of threat by the counter petitioner.

5. In view of the submissions made on either side, this Court directs the petitioner to give a fresh complaint to the second respondent within a period of one week from the date of receipt of a copy of this order along with a copy of this order and on receipt of the same, the second respondent is directed to conduct enquiry on the complaint given by the petitioner with regard to the allegation of threat alleged to have been made by the counter petitioner and upon enquiry, if materials are gathered indicating commission of any offence, then he is directed to investigate the matter and proceed further in accordance with law, as early as possible. The criminal original petition is disposed of accordingly.

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Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Commissioner of Police,
Veppery, Chennai.

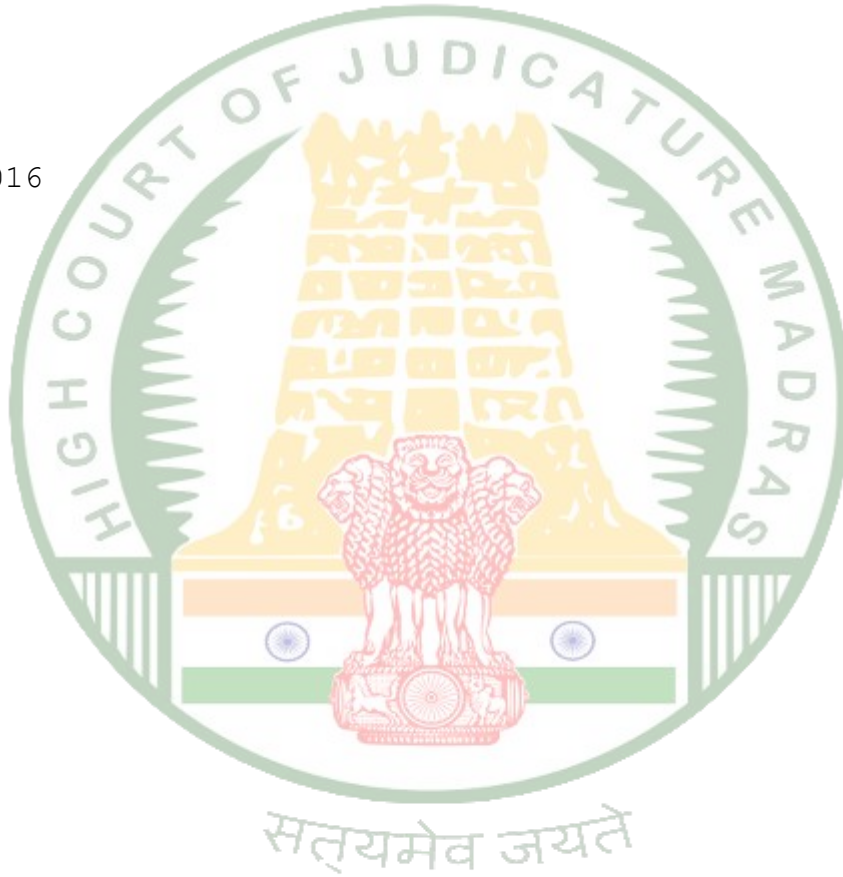
2.The Inspector of Police,
R.3 Ashok Nagar Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.E.Kotteeswaran Advocate sr.5445

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