

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.16627 of 2016

S.R.Prabhakaran

... Petitioner

Vs

1.State rep.by

The Superintendent of Police,
Kancheepuram District.

2.The Deputy Superintendent of Police,
District Superintendent of Police Office,
Kancheepuram District.

3.The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to register the complaint dated 21.07.2016, as lodged by the petitioner and ensure proper investigation known to law.

For Petitioner :Mr.D.Lourthu Paul

For Respondents:Mr.C.Emalias,

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to register the complaint dated 21.07.2016, lodged by the petitioner.

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

3. On a reading of the complaint dated 21.07.2016, it is seen that this petitioner had deposited Rs.41,00,000/- in Karnataka Bank, Kancheepuram Branch, and that one Ashok Anand, who was the Manager of Karnataka Bank and friend of this petitioner had requested this petitioner to give a loan of Rs.15,00,000/- to one Shakthi Pharmacy. On the recommendation of the said Ashok Anand, the petitioner has given a loan of Rs.15,00,000/- to Shakthi Pharmacy on 05.11.2013 for interest.

4. Even according to the petitioner, Shakthi Pharmacy gave Rs.30,000/- as initial interest and thereafter they defaulted in making payments. Now it is alleged by the petitioner that he has been introduced by Ashok Anand to give loan to Shakthi Pharmacy, which is already under default to the Karnataka Bank.

5. The fact remains that the petitioner has given loan by legal process to Shakthi Pharmacy, and that he also got Rs.30,000/- as interest. May be the Bank Manager would have recommended the case of Shakthi Pharmacy to the petitioner, that by itself cannot be a reason to mulct criminal liability since the entire transaction is borne by records.

6. It is open to the petitioner to file a suit for recovery against Shakthi Pharmacy if not barred by limitation. It is not a fit case to issue direction to the respondent Police. Hence, this petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To

- 1.The Superintendent of Police,
Kancheepuram District.
- 2.The Deputy Superintendent of Police,
District Superintendent of Police Office,
Kancheepuram District.
- 3.The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court, Chennai.

+1cc to M/s. D. Lourthu Paul, Advocate, S.R.No.45111

RP(CO)
EU(29/08/2016)

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