

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.29710 of 2015

R.Senthilkumar

... Petitioner

Vs.

1. The Superintendent of Police,
Coimbatore District.

2. The Inspector of Police,
District Crime Branch,
Office of Coimbatore City
Commission of Police,
Coimbatore-18.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents herein to register the complaint of the petitioner herein dated 18.06.2015 and investigate the same in accordance with law.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.C.Emalias, APP

* * * * *

ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the respondents herein to register the complaint of the petitioner dated 18.06.2015 and investigate the same in accordance with law.

2.It is seen in the affidavit filed by the petitioner that the petitioner is running a jewellery shop in the name of Sri Haribrindha Jewellery at Pollachi. One Thilak Balaji ram and his mother Prema used to purchase jewellery from the petitioner's shop frequently. One Chinraj and his family members on 22.04.2015, came to the jewellery shop of the petitioner and instructed that they are not having sufficient funds to purchase jewels for the marriage of sister of the said Chinraj and hence, he has requested the petitioner provide jewels on credit basis. On considering the situation of the family of the said Chinraj, the petitioner had taken the said Chinraj and his family members to another jewellery shop namely KTC and Sons and they have purchased 226 grams of gold and seven kilograms of silver and

given two lakhs of cash to the said Chinraj and his family members. Subsequent to the marriage, the petitioner demanded to pay the cash and cash for the jewels to the said Thilak Balajiram, but he evaded to pay the same to the petitioner. Hence, the petitioner lodged a complaint before the Inspector of Police, Pollachi East Town Police Station and on enquiry, the said Thilak Balajiram had undertaken to give the said amount within a period of one month. But, the said Thilak Balaji ram has not paid the same amount to the petitioner herein. Hence, the petitioner lodged a complaint before the first respondent and the first respondent directed the second respondent to conduct enquiry on the complaint of the petitioner. But till date no action was taken. Hence, the petitioner filed the present criminal original petition before this Court.

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

4. The learned Additional Public Prosecutor submitted that there is no instruction from the respondent police and if the petitioner gives a fresh complaint, necessary action will be taken.

5. In view of the submissions made on either side, this Court directs the petitioner to give a fresh complaint to the second respondent viz., The Inspector of Police, District Crime Branch, Office of the Coimbatore City Commission of Police, Coimbatore, along with the copy of this order, within a period of two weeks, from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to conduct enquiry and proceed further in accordance with law, as early as possible and if no prima facie case has been made out, the second respondent is at liberty to pass appropriate order on the complaint given by the petitioner.

6. This criminal original petition is disposed of accordingly.

ari

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Copy to_

1. The Superintendent of Police,
Coimbatore District.

2. The Inspector of Police,
District Crime Branch,
Office of Coimbatore City Commission of
Police,
Coimbatore-18.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R.Nalliyappan, Advocate SR 842

rsy(co)
prk8/1

Crl.O.P.No.29710 of 2015



WEB COPY