

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29980 of 2015

Victoria

... Petitioner

Vs

1.The Superintendent of Police,
Namakkal District.

2.The Inspector of Police,
Kumarapalayam,
Namakkal 638 183.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to register the complaint dated 12.11.2015 on the file of the respondents and to take effective action against the accused.

For Petitioner : Mr.R.Ranjithimmanuel

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction to the respondents to register a case based on the complaint given by the petitioner dated 12.11.2015.

2.The petitioner herein lodged a complaint on 12.11.2015 as against one Somu and Kumar on the allegation that the petitioner is running a Textile (Thread) business along with her husband in the name and style of 'Victoria Tex' for the past several years. During the course of business, the petitioner purchased thread from Mahaveer Mills at Erode through Mr.Nagaraj and Mr.Janakiraman (Agents) from Kumarapalayam, who in turn distributed the same to various Saya Pattarai at Kumarapalayam for colouring and the same was sent to prepare towel and other clothing materials. The hand loom owner Mrs.Somu, Palaniyandavur Tex was doing business with the petitioner for around 1½ years and subsequently, the said Somu

introduced one Mr.Kumar, AJV Tex Owner on 20.03.2014 to the petitioner. Subsequently, the said Somu and Kumar received 4320 meter materials from the petitioner, worth about Rs.1,86,566/- for the purpose of colouring the thread, but the same was not made ready by the above said persons. Then, the petitioner came to know that both the persons have cunningly sold the above said finished materials to various third parties, without delivering to the petitioner. Subsequent to that act, when the petitioner and her husband demanded the thread from them, they have threatened the petitioner and her husband with dire consequences. Hence, the petitioner lodged a complaint before the respondent police. Since no action has been taken so far by the respondent -police, the petitioner has filed the present criminal original petition.

3.I have 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 based on the complaint given by the petitioner dated 12.11.2015, enquiry has been conducted and the same has been closed on 12.03.2015 as purely civil in nature. The copy of the closure report has been produced for perusal of the Court.

5.In view of the submissions made by the learned Additional Public Prosecutor, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in a manner known to law, if he is so advised.

6.This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ari

To,

1.The Superintendent of Police,
Namakkal District.

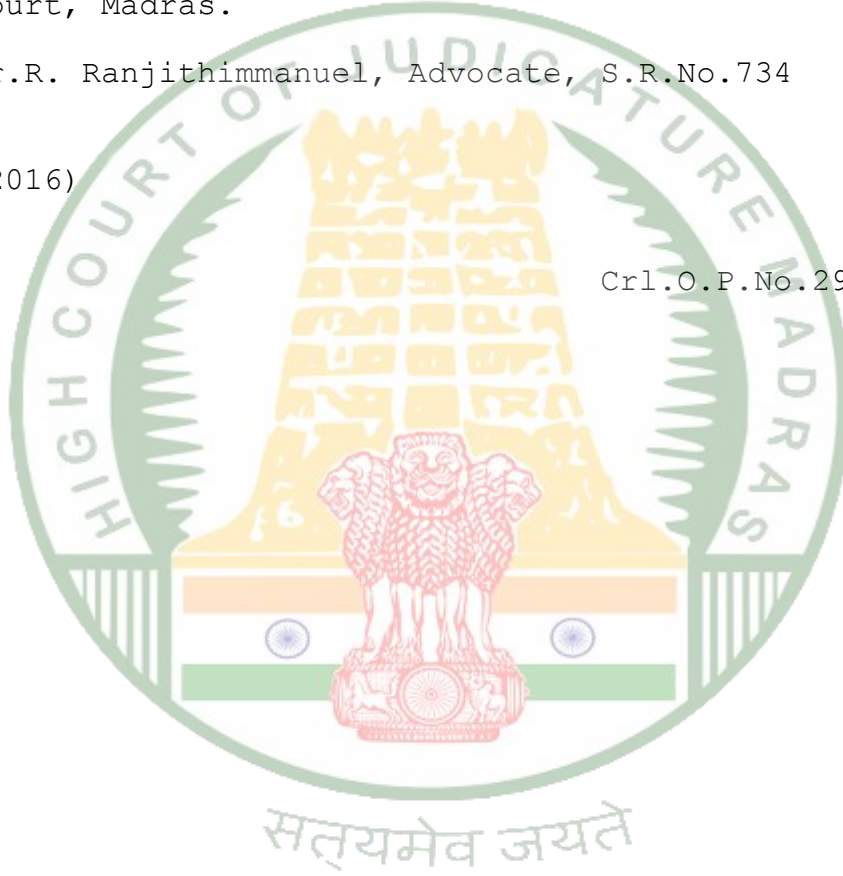
2.The Inspector of Police,
Kumarapalayam,
Namakkal 638 183.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R. Ranjithimmanuel, Advocate, S.R.No.734

SCD(CO)
EU(03/02/2016)

Crl.O.P.No.29980 of 2015



WEB COPY