

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30011 of 2015

R.Sivakumar

.. Petitioner

/versus/

1.State Rep.by

The Superintendent of Police,
Dharmapuri District.

2.The Inspector of Police,

Paupparapatty Police Station,
Dharmapuri District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking a direction to the second respondent to register the
complaint dated 07.11.2015 and investigate the matter.

For Petitioner : Mr.J.Karthikeyan

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 second respondent to register a case based on the
complaint given by the petitioner dated 07.11.2015 and to investigate
the same.

2.The case of the petitioner is that the petitioner is the owner
of the Ashok Leyland "Tusker Super Lorry" bearing Reg.No.TN 29 AY
1860. One Muniraj, who is a Mediator, assisted the petitioner in
completing the deal and got commission of Rs.50,000/-. Again the
said Muniraj approached and stated the petitioner that he is having a
party to purchase the above said lorry for a price of Rs.8 lakhs and
the said Muniraj has paid a token advance of Rs.25,000/- and took
away the said lorry. After several months, the said Muniraj have
neither paid the remaining sale amount, nor surrendered the lorry.

Therefore, the petitioner lodged a complaint before the respondent police to find out the lorry and to take action against the said Muniraj for cheating. On receipt of the complaint given by the petitioner, a case has been registered against the said Muniraj for the offences under Sections 406, 420, 294(b) and 506(ii) IPC and the said Muniraj was arrested and also the lorry has been seized under the custody of one Ramesh.

3.Further, the case of the petitioner is that after seizing the lorry from the said Ramesh by the respondent police, the lorry was affixed with a fake number plate viz., KA-01-AE-6678, instead of TN 29 AY 1860. On collusion, the said Ramesh and Muniraj played fraud on Government records by creating bogus R.C.Book, Insurance and Goods permit etc. Hence, the petitioner lodged a complaint before the second respondent police. Since no action has been taken sofar, the petitioner has filed the present criminal original petition.

4.The learned Additional Public Prosecutor submitted that on the basis of the complaint given by the petitioner on 19.04.2015, a case has been registered in Crime No.130 of 2015 for the offences punishable under Sections 406, 420, 294(b), 506(ii) IPC and the same is under investigation. He further submitted that subsequent complaint dated 07.11.2015 has also been enquiry along with Cr.No.130 of 2015.

5.In view of the submissions made by the learned Additional Public Prosecutor and since a case was already registered on the basis of the complaint given by the petitioner, there is no need to give any specific direction to the respondent police. Hence, the criminal original petition is closed.

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Sd/-

Assistant Registrar (Judicial)

TRUE COPY/

Sub-Assistant Registrar

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To

1. The Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
Paupparapatty Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

+1CC To M/S.J.KARTHIKEYAN, Advocate SR.NO.2061

Cr1.O.P.No.30011 of 2015

AD (CO)

MK : 26/01/2016



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