

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30343 of 2015

K.K.Ravi

... Petitioner

Vs

State Represented by
The Inspector of Police,
C-3. Sai Baba Colony Police Station,
Coimbatore.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a FIR on the basis of the complaint dated 15.11.2011 vide Ref.C.No.939/PG/DC L&O/CBE City/2011) which was reportedly misplaced by the respondent/police and in lieu of the same, fresh complaint dated 03.12.2015 and investigate the matter and file a report within a stipulated period.

For Petitioner : Mr.K.Rajasekaran

For Respondent : 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 the petitioner's complaint dated 03.12.2015 and investigate the same in accordance with law.

2. In the petition, it has been stated that the petitioner was doing a Real Estate Business at Coimbatore during 2010. The petitioner's friend one Paramasivam wanted a hand loan. Hence, the petitioner arranged for a loan through one Badhrudden. The said Badhrudden had also arranged for a loan from one Jagadeesh and thus the said Paramasivam got a loan to the tune of Rs.2,75,000/-. Thereafter, the said money was paid back by Paramasivam through the petitioner to Badhrudeen. It is further submitted that during June 2011 the petitioner was in need of money for his business requirements and hence he approached Badhrudeen who promised to arrange the money from the said Jagadeesh, but as a precondition he wanted two post dated cheques for sum of Rs.2,50,000/- each totalling Rs.5,00,000/- along with original title deeds of a property belonging to one Mrs.Mohana. After receipt of cheques and

the original title deeds, loan amount was not advanced to the petitioner. Therefore, the petitioner had preferred a complaint to the Deputy Commissioner of Police (Law and Order) Coimbatore City, Coimbatore who had forwarded the complaint under Ref.C.No.939/PG/DC L&O/CBE City/2011. On the complaint of the petitioner, the respondent police called the said Badhrudeen and Jagadeesh for enquiry and during the time of interrogation they had admitted that the cheques and the original title deeds were with them and they undertook to return the documents and cheques based on the written undertaking given by them. In view of the undertaking given by the said Badhrudeen and Jagadeesh, the respondent police compelled the petitioner to give a letter stating that he does not want to proceed with the matter. After giving an undertaking on 17.11.2011, instead of returning the documents and cheques the said Jagadeesh and Badhruden had presented the cheques and issued demand notices on 25.11.2011 and 05.01.2012 under Section 138 of Negotiable Instruments Act and filed two complaints before the learned Judicial Magistrate, Fast Track Court I, Coimbatore in C.C.No.37 of 2012 and C.C.No.125 of 2013.

3. It is further submitted that thereupon the petitioner had informed the respondent police that the accused persons had breached their undertaking and illegally proceeding under Section 138 of Negotiable Instruments Act. In fact the petitioner has given a complaint on 15.11.2011 and an enquiry has been conducted by the respondent police on 17.11.2011. However, the respondent police made an entry as if they had received the complaint only on 16.07.2012. It appears that by delayed entry the respondent police had aided the accused persons to misuse the cheques lying with them. Thereafter, no response from the respondent police. Hence, on 10.08.2015, the petitioner asked the Public Information Officer under RTI Act to furnish the details of the Enquiry dated 17.11.2011 and the information was sent by the Public Information Officer on 31.08.2015 stating that an enquiry was conducted and the petitioner and the counter petitioner has been advised to seek remedy before the Civil Court and thus the petition has been closed. Hence, the petitioner has given another complaint on 03.12.2015. But till date, no action was taken. Hence, the petitioner has filed the present criminal original petition.

4. Today, when the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint given by the petitioner has been enquired and closed.

5. Since the complaint of the petitioner has been closed, nothing survives in this petition. Therefore, this criminal original petition is dismissed. However, the petitioner is at liberty to workout his remedy under Section 156(3) Cr.P.C., if he so desires.

vsm

Sd/-
Assistant Registrar (CS III)

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Sub-Assistant Registrar

To

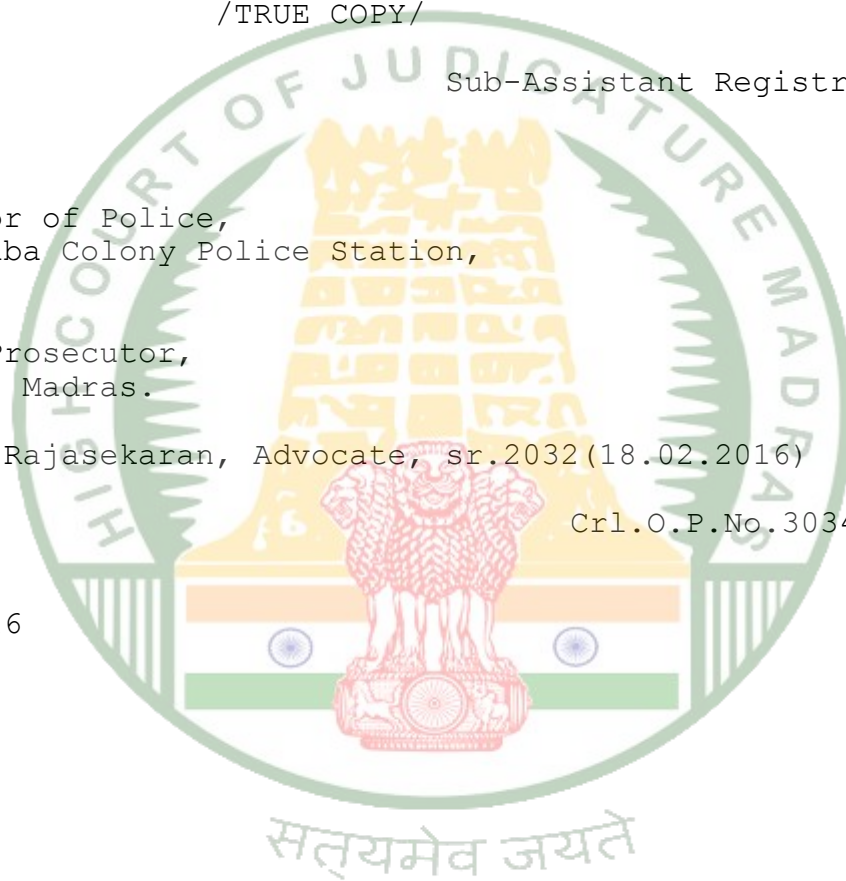
1.The Inspector of Police,
C-3. Sai Baba Colony Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Rajasekaran, Advocate, sr.2032(18.02.2016)

CrI.O.P.No.30343 of 2015

KGK [CO]
MK : 04/02/2016



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