

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30484 of 2015

K.Kathirvel

... Petitioner

Vs

1. The Superintendent of Police,
Erode District,
Erode 638 001.

2. The Inspector of Police,
District Crime Branch,
Erode 638 001,
Erode District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to issue direction to the respondents to register a case on the petitioner's complaint dated 11.12.2015, investigate and file final report.

For Petitioner : Mr.N.Manokaran

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

O R D E R

This petition has been filed to direct to the respondents to register a case on the petitioner's complaint dated 11.12.2015, investigate and file a final report.

2. The petitioner has submitted that he is an agriculturist. On 8.1.2015, one Muruganandam informed the petitioner that there are about 88 lorries owned by one Alwyn Granites of Madurai and they are ready for sale and he persuaded the petitioner to proceed with the sale to get benefit. On 16.03.2015, when the petitioner is on the way from Coimbatore to Tiruchengode, the said Murugandam contacted him over phone and requested the petitioner to come to the office of Alwyn Group at Erode. When the petitioner went to the office of Alwyn Group, Muruganandam, introduced the petitioner to one Philip Raja and they took the petitioner to the office of one Srinivasan and

Suresh, Auditors, where they have shown some documents with Government Emblem and forced the petitioner to pay a sum of Rs.11 lakhs to get the order. Believing their words, the petitioner deposited a sum of Rs.11 lakhs and subsequently, on 18.03.2015, the petitioner deposited Rs.44 lakhs. They instructed the petitioner to get a fresh RC to carry on the business in the name of his wife Rajeswari. Again, in the end of March, 2015, the petitioner deposited Rs.8,09,600/- through RTGS from the account of his wife to Alwyn Enterprises. Later, on 4.7.2015 the petitioner came to know that all the documents produced by the said persons are forged documents and the said persons are involved in the similar kind of offence. When the petitioner made a complaint on 14.07.2015 with the respondent police, the Superintendent of Police, Namakkal, instructed the petitioner to give a complaint with the first respondent. Accordingly, the petitioner gave a complaint with the first respondent on 27.7.2015, who in turn forwarded the same to the 2nd respondent. But no action was taken so far. Again, the petitioner sent a complaint on 11.10.2015 to the 1st respondent. In spite of it, no action was taken. Hence, the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the accused persons are involved in the similar kind of offence in Tiruppur, and a case has been registered against them by Tiruppur C.C.B. in Crime No.12 of 2015. So far as the present case is concerned, the petitioner ought to have lodged a complaint only before the CCB, Namakkal but whereas the petitioner has lodged a complaint before CCB, Erode.

4. Learned counsel for the petitioner submitted that originally, the petitioner lodged a complaint only with the CCB, Namakkal, and only on their instructions, he has given a complaint before the present respondent.

5. Considering the submissions made, this Court directs the 2nd respondent police to conduct an enquiry on the complaint dated 11.12.2015 given by the petitioner, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If the 2nd respondent police comes to the conclusion that the offence was committed within the jurisdiction of Namakkal, the 2nd respondent police is directed to transfer the complaint to the Namakkal CCB, as early as possible.

6. This criminal original petition is disposed of accordingly.

vsi

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Erode District,
Erode 638 001.
 2. The Inspector of Police,
District Crime Branch,
Erode 638 001,
Erode District.
 3. The Inspector of Police,
District Crime Branch,
Namakkal.
 4. The Public Prosecutor,
High Court, Madras.
- + 1 cc to M/s.N.Manokaran, Advocate SR 544.

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