

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17927 of 2016

A.Malik

..Petitioner

Vs

State By

The Inspector of Police
(Crime)

F1 Chinthadripet Police Station
Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register the case in pursuance of petitioner complaint dated 01.03.2016 in CSR No.85/CSR/FIPS/2016.

For Petitioner : Mr.S.Mohamed Uduman

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to register the case in pursuance of petitioner's complaint dated 01.03.2016 in CSR No.85/CSR/FIPS/2016.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On a reading of the complaint dated 01.03.2016 given by the petitioner, it is seen that this petitioner had employed Abbas, his brother-in-law in his shop, entrusted the shop to him and had gone abroad. When the petitioner came back to India, Abbas did not give possession of the shop to him and he was illegally occupying the shop. It is alleged by the petitioner that Abbas misused the cheques given by him when he left for abroad and also initiated proceedings under Section 138 of the Negotiable Instruments Act against the petitioner.

4. Learned Additional Public Prosecutor submits that on the complaint given by the petitioner, a petition enquiry was conducted in CSR No.85 of 2016 and the same was closed on 03.03.2016.

5. According to the learned counsel for the petitioner, Abbas has handed over the shop back to the petitioner. Now, it is the case of the petitioner that the police have not registered an FIR against Abbas for misusing the cheque and hence, this petition.

6. In the considered opinion of this Court, such a direction cannot be issued and it is open to the petitioner to set up his defence in Section 138 proceedings initiated against him by Abbas.

With the above observation, this petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

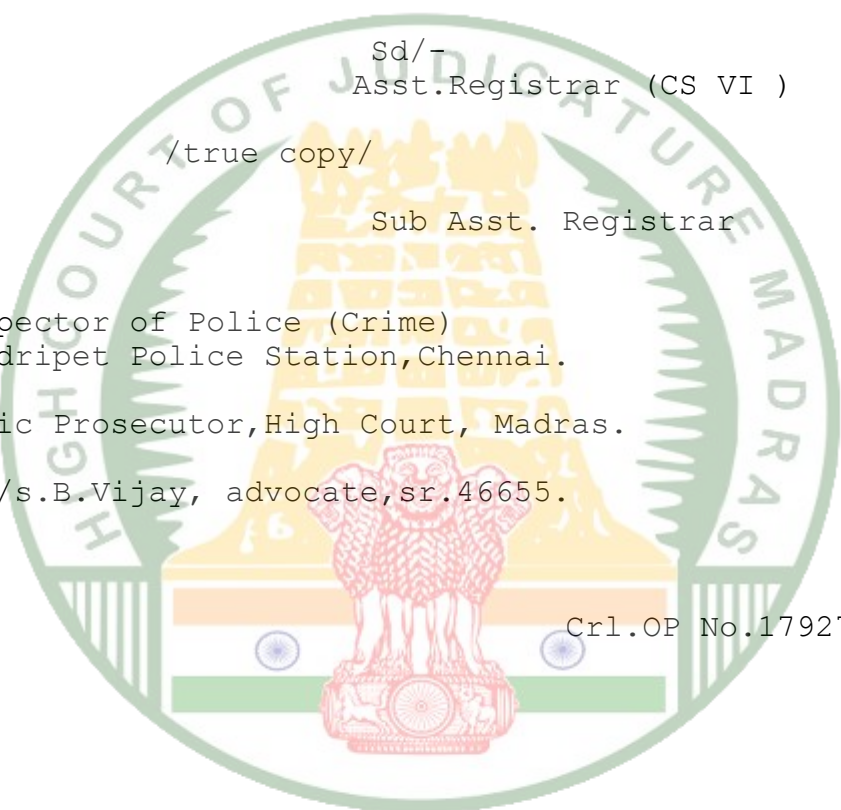
1. The Inspector of Police (Crime)
F1 Chinthadripet Police Station, Chennai.

2.The Public Prosecutor, High Court, Madras.

+1 cc to M/s.B.Vijay, advocate, sr.46655.

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The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the gopuram, there is a red lion capital on a base. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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