

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.1908 of 2016

Sankari

... Petitioner

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.
 2. The Inspector of Police,
V.6 Kolathur Police Station,
Chennai.
 3. The Inspector of Police (Crime),
T-10, Thirumullaivoyal Police Station,
Chennai.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register a case on the complaint of the petitioner dated 10.9.2014 addressed to the first respondent and forwarded to the second respondent.

For Petitioner : Mr.R.Ganesh Kumar

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

ORDER

The present criminal original petition has been filed seeking a direction to the second respondent to register a case based on the complaint of the petitioner dated 10.9.2014 addressed to the first respondent and forwarded to the second respondent.

2. It is the case of the petitioner that she is the owner of the Chevrolet Brand Sail Model Velvet Red colour car bearing registration No.PY 01 BW 6891 and she entrusted the same to one K.Karthick for commercial purpose. Initially for the first two months, the said K.Karthick was regular in payment of

the amount and thereafter, he started to avoid the petitioner and her husband for one reason or the other. When the petitioner's husband went to the residence of the said K.Karthick, he came to know that he absconded himself. Hence, he lodged a complaint with the second respondent police and on receipt of the same, the second respondent had advised the petitioner's husband to grant some time to the said K.Karthick to make the payment and he had also directed the said K.Karthick to appear before him for enquiry. On enquiry, the said K.Karthick disclosed that he had handed over the car to one G.Saranya after getting valuable consideration and the said G.Saranya, transferred the same to one M.J.Ahamed of Sirkazhi. Further, the said M.J.Ahamed had sold the same to one Abdul Kadar @ Ceylon Bai of Kayalpattinam, Tuticorin District. Thereafter, the petitioner's husband, on his own efforts, identified the said Abdul Kadar and sought to return the car. But, the said Abdul Kadar demanded a sum of Rs.2,50,000/- from the petitioner's husband. Hence, the petitioner brought the same to the knowledge of the second respondent. Thereafter, the second respondent issued CSR number on the complaint given by the petitioner dated 11.4.2014 in CSR/54/V6PS/14. Thereafter, since no action was taken on the said complaint, the petitioner approached this Court by filing a petition in CrI.O.P.No.4965 of 2015 seeking to register a case on her complaint. On 4.3.2015, when the matter came up for hearing, the respondent represented that a case was already registered in Crime No.313 of 2014. But, the said case in Crime No.313 of 2014 was not registered based on the complaint given by the petitioner. Hence, the petitioner has come up with the present petition seeking a direction to the second respondent to register a case based on her complaint dated 10.9.2014.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that if the petitioner gives a fresh complaint to the second respondent, necessary action would be taken.

4. Considering the submissions made on either side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to give a fresh complaint to the second respondent within a period of one week from the date of receipt of a copy of this order, along with a copy of this order.

(ii) On receipt of the same, the second respondent is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then the second respondent is directed to proceed further in accordance with law, as early as possible.

5. The criminal original petition is disposed of accordingly.
sbi

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.
 2. The Inspector of Police,
V.6 Kolathur Police Station,
Chennai.
 3. The Inspector of Police (Crime),
T-10, Thirumullaivoyal Police Station,
Chennai.
 4. The Public Prosecutor,
High Court, Madras.
- + 1 cc to M/s.R.Ganesh Kumar, Advocate SR 5605

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prk4/3

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