

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.1.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.1942 of 2016

M.K. Mustaffa

Petitioner

Vs

- 1 The Inspector of Police (Crime)
K5, Peravallur Police Station,
70 feet Road, Jawahar Nagar,
Peravallur, Chennai-82.
2. P.Devaraj, Respondents

Prayer: Criminal Original Petition filed under section 482 of Cr.P.C., to direct the respondent to investigate the complaint dated 14.1.2016 given by the petitioner and the CSR bearing No.718 of 2016 issued by the respondent.

For Petitioner : Mr.R. Rajeshkumar

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

O R D E R

The petitioner has come forward with this Criminal Original Petition seeking for a direction directing the respondent to investigate the complaint dated 14.1.2016 given by the petitioner and the CSR bearing No.718 of 2016 issued by the respondent.

2. The petitioner herein has lodged a complaint against one Devaraj, the 2nd respondent herein, alleging that the said Devaraj approached him and stated that he is conducting authorised chit and requested him to join the chit during January 2014. Believing the words of Devaraj, the petitioner joined in 30 lakhs chit for 20 months and remitted the chit amounts till March 2015 and the said Devaraj suddenly expressed that he is going to close the chit fund business and agreed to refund the amount of Rs.14,05,400/-. Thereafter, he refunded

Rs.5400/- on 29.9.2015 and further issued two cheques for Rs.5,00,000/- and Rs.4,00,000/- respectively drawn on City Union Bank Ltd., Kolathur Branch. When the petitioner presented both the cheques before the bank, the same was returned with an endorsement "payment stopped by drawer". On 12.1.2016, the petitioner went to Devaraj Office to collect the amount, the said Devaraj along with his henchmen refused to pay the amount and also threatened him with dire consequences. Therefore the petitioner lodged a complaint before the 1st respondent on 14.1.2016, but till date, no action has been taken to register the same. Hence the petitioner is before this Court.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned counsel for the petitioner submitted that though the complaint was lodged on 14.1.2016, till date, no action has been taken. Hence, the present criminal original petition has been filed.

5. Learned Additional Public Prosecutor submitted that on receipt of complaint, the same has been assigned in C.S.R.No.718 of 2016.

6. From the facts and circumstances of the case, I find that the complaint lodged by the petitioner has been assigned CSR number as C.S.R.No.718 of 2016. Hence, this Court directs the first respondent to conduct enquiry in C.S.R.No.718 of 2016 and upon enquiry, if materials are gathered indicating any cognizable offence, the 1st respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the 1st respondent is directed to pass appropriate order on the complaint and proceed further in accordance with law, as early as possible.

7. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msr

To

1 The Inspector of Police (Crime)
K5, Peravallur Police Station,
70 feet Road, Jawahar Nagar,
Peravallur, Chennai-82.

2. The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.R. Rajesh Kumar, Advocate SR.5776

Cr1.O.P.No.1942 of 2016

SKV(CO)
Eu 17.02.16



WEB COPY