

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.202 of 2016

R.Ganapathy

... Petitioner

Vs

State Rep by
The Inspector of Police,
J-7, Velachery Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the FIR as per the complaint of the petitioner dated 21.12.2015 same was received under CSR No.369/J-7 PS/2015 dated 28.12.2015 and investigate the same in accordance with law.

For Petitioner : Mr.T.C.S.Raja Chockalingam

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct to the respondent to register the FIR as per the complaint of the petitioner dated 21.12.2015 in CSR No.369/J-7 PS/2015 dated 28.12.2015 and the investigate the same in accordance with law.

2. The petitioner is working as a Sales Officer in Pandian Pickles Company and looking after the sales through selling agents as well as accounts submitted by them. One Sasikumar, has been a selling agent for the company for the past seven years. The said Sasikumar has received goods from Velacherry godown in the name of his son S.Mohan Kumar on credit basis and sold the pickles to various retail shops and sales vendors. As per the accounts maintained in the Velacherry godown, the said Sasikumar, as on 18.09.2015 owes a sum of

Rs.1,69,169/- to the principal company. One Kannan, who is the brother of the said Sasikumar took over the business from his brother and assured the petitioner that he would continue to be a selling agent in the place of the said Sasikumar and he would repay the outstanding balance in two months. Thereafter, the said Kannan continued to receive the goods from the petitioner as selling agent on commission basis. As per the accounts maintained by the petitioner company, the total balance amount owed by the said Kannan is Rs.2,24,574/- towards the goods received by him and the outstanding balance payable by his brother SasiKumar. On 20.12.2015, when the petitioner demanded the said amount from the said Sasikumar, he assured that he would come the next day and settle the accounts due to the company. On 21.12.2015, the said Kannan came along with the Sasikumar and Ashok to the Velacherry godown and when the petitioner demanded the amount from the said Kannan, they abused the petitioner and threatened the petitioner that they cannot make any payment to the company. The said Kannan and Sasikumar joined together and dishonestly misappropriated the goods received from the company in indulging in criminal breach of trust. Therefore, the petitioner has lodged a complaint before the respondent police. Though C.S.R.No.369 of 2015 has been assigned on the complaint of the petitioner, no action was taken on the said complaint till date. Hence, the petitioner has come forward with the present Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that on receipt of the complaint from the petitioner, the respondent has assigned C.S.R.369 of 2015 on the said complaint and the matter is pending for enquiry.

5. In view of the submissions made on either side, this court directs the respondent to conduct enquiry on the complaint given by the petitioner dated 21.12.2015 in C.S.R.No.369 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

6. This criminal original petition is disposed of accordingly.vrc

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

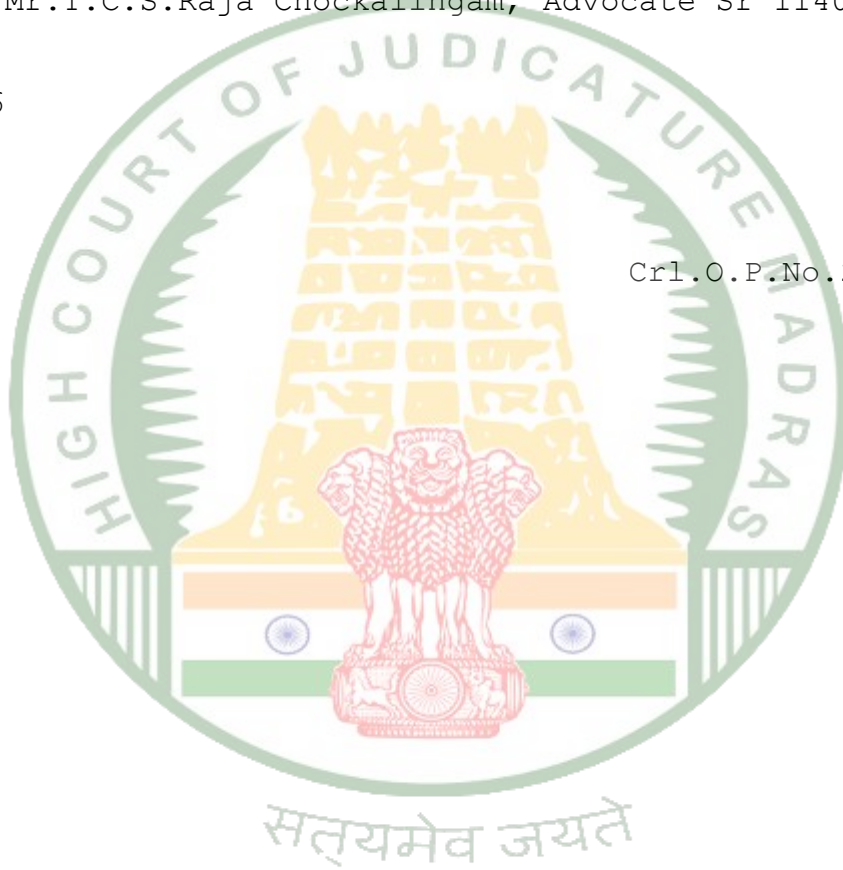
To

1. The Inspector of Police,
J-7, Velachery Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.T.C.S.Raja Chockalingam, Advocate Sr 1140

VD/CO
KR/22/1/16



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