

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.256 of 2016

M.Jesuraj

... Petitioner

Vs

State Rep by

The Inspector of Police,
M-4 Redhills Police Station,
Redhills,
Chennai - 52.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent herein to register the complaint of the petitioner dated 22.08.2015 and investigate the same and to file the final report.

For Petitioner : Mr.T.Dhamodharan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct to the respondent herein to register the complaint of the petitioner dated 22.08.2015 and investigate the same and to file the final report.

2. The petitioner has approached one H.Ghoush Basha, who is the proprietor of Basha Builders and his friends Srinivasan and Moorthy for the purpose of obtaining a loan of Rs.50,00,000/- from the Trust. The above said persons requested the petitioner to pay sum of Rs.90,000/- towards the purpose of advocate fee for perusing the documents and for obtaining legal opinion. Accordingly, the petitioner paid a sum of Rs.90,000/- by way of four cheques in favour of the said H.Ghoush Basha. The said Ghoush Basha fraudulently represented to the petitioner that the Trust had sanctioned the loan and issued the cheques drawn on ICICI Bank, Chennai Main Branch for a sum of Rs.50,00,000/-. When the petitioner deposited the cheque in his account, the same was returned with the reason that the 'account

was closed'. Immediately, the petitioner lodged a complaint against the said persons. But, till date, no action was taken on the complaint given by the petitioner. 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 perusal of the complaint, it appears that the matter is relating to dishonour of a cheque and the petitioner has to work out his remedy by filing a private complaint under section 138 of Negotiable Instruments Act. However, he submitted that on receipt of the complaint, C.S.R.No.644 of 2015 has been assigned 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 22.08.2015 in C.S.R.No.644 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 as early as possible. If no prima facie case is made out for registering the complaint, the respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
M-4 Redhills Police Station,
Redhills, Chennai - 52.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.256 of 2016

SL 04.02.2016
CJ(CO)