

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.3177 of 2016

R.Karthikeyan

... Petitioner

Vs.

State rep. by

1.The Superintendent of Police
Krishnagiri District
Krishnagiri.

2.Inspector of Police
Hutco police station
Krishnagiri District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register a case based on the petitioner's complaint dated 29.10.2015.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the second respondent to register a case pertaining to the petitioner's complaint dated 29.10.2015.

2.The learned counsel for the petitioner submitted that one Sakthivel, who is working as an Office Manager in Indel Money Private Limited, has given a complaint stating that amount has been misappropriated in Hosur Branch and after verification, they came to know that jewels are fake one. Hence, a case has been registered in Crime No.617 of 2015 against Murali and Lakshmi and investigation is going on. He further submitted that during audit, he came to know that Sakthivel and Manikandan also joining with Murali and Lakshmi, have misappropriated the amount. Hence, he has given the present complaint. But the respondents have not shown any

interest to enquire the matter and register the case. So the petitioner has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor, on instructions, would submit that when audit has been conducted on 10.10.2015, it came to know that misappropriation of cash and jewels are fake one. So the Office Manager/Sakthivel has given a complaint. On that basis, the case has been registered in Crime No.617 of 2015 against Murali and Lakshmi for offence under Section 420 IPC and investigation is going on. He would further submit that during investigation, if the investigating agency found that Sakthivel/defacto complainant and Manikandan also hand and glove with Murali and Lakshmi, immediately they will be added as accused. So there is no need to register the petitioner's complaint for the same occurrence. Therefore, he prays for dismissal of this petition.

4.Considered the rival submissions made on both sides and perused the typed set of papers.

5.During audit in the Indel Money Private Limited, Hosur branch, they came to know about the misappropriation of cash and jewels are fake one. Immediately, Sakthivel, who is the Office Manager, has given a complaint, on which basis, case in Crime No.617 of 2015 has been registered against Murali and Lakshmi for offence under Section 420 IPC. Now the petitioner has lodged the complaint suspecting that the said Sakthivel and Manikandan are also involved in the offence. But there shall not be two F.I.Rs. for the same occurrence. During investigation, if the investigating officer found that the defacto complainant/Sakthivel and Manikandan are also involved in the misappropriation, they can very well implead them as accused. In such circumstances, there is no necessity to register another case for the same occurrence. Therefore, the Criminal Original Petition stands dismissed. The petitioner is directed to co-operate for enquiry and produce relevant documents.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Krishnagiri District

Krishnagiri

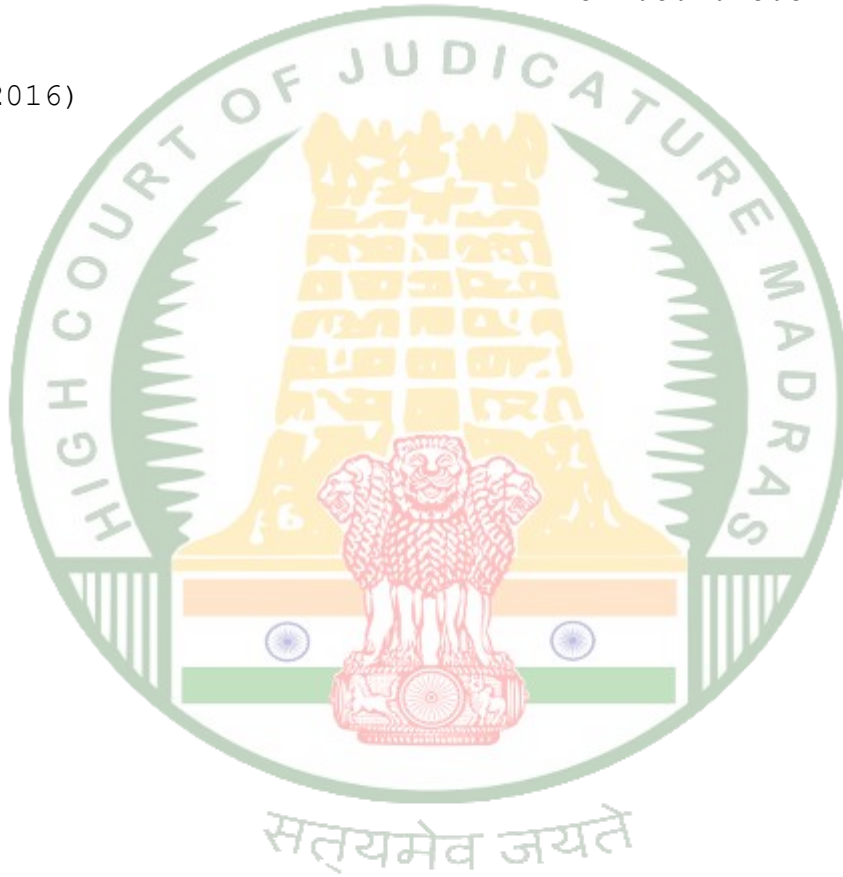
2.The Inspector of Police
Hutco police station
Krishnagiri District.

3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.12004

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GJ(CO)
CA(08/03/2016)



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