

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3688 of 2016

J.Kuttiprakalathan

..Petitioner

Vs.

1.The Superintendent of Police,
Perundurai Road, Erode,
Erode District.

2.The Inspector of Police,
Bhavani Police Station,
Bhavani, Erode District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the complaint dated 27.09.2015 lodged by the petitioner and investigate the same in accordance with law.

For Petitioner : Mr.K.Arangeswaran

For Respondents : Mr.C.Emalias
Addl.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 27.09.2015.

2. The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 27.09.2015, for which, C.S.R.NO.374 of 2015 has been given. But the respondents have not taken any steps to enquire the matter and register the case. Therefore, the petitioner has come forward with this petition for the above stated relief.

3. At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that on the basis of the complaint given by the petitioner, enquiry has been conducted and the same was closed on 03.10.2015.

4. Considering the rival submission made by both sides and on perusal of the file furnished by the learned Additional Public Prosecutor, it is an admitted fact that the petitioner is one of the partner in Jai Sri Vet Enterprises and he has given a letter to retire from partnership. At that time, the Managing Partner, namely, D.Kumaravel, agreed to repay the amount of Rs.13,44,000/- to the petitioner. But the said Kumaravel has not repaid the amount even though the petitioner has demanded the amount and he made criminal intimidation by abusing the petitioner in filthy language. Hence he has given a complaint. But instead of examining the complainant, the second respondent has closed the complaint stating that it is money dispute. So, I am of the view that it is a fit case for setting aside the closure report and the second respondent police is directed to enquire the matter afresh. Therefore, the second respondent is directed to expedite the enquiry and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

5. The Criminal Original Petition is disposed of with the above direction.

kkd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of Police,
Perundurai Road, Erode, Erode District.

2.The Inspector of Police,
Bhavani Police Station,
Bhavani, Erode District.

3.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.K.Arangeswaran, Advocate Sr 21042

KR/11/4/16

Cr1.O.P.No.3688 of 2016