

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3791 of 2016

Ramachandran

.. Petitioner

Vs.

State rep. by
The Inspector of Police
T-1, Ambattur Police Station,
Ambathur, Chennai-53.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case on the basis of the petitioner's complaint dated 21.01.2015.

For Petitioner : Ms.R.Varalakshmi
For Respondent : 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 respondent police to register a case pertaining to the petitioner's complaint dated 21.01.2015.

2.The learned counsel for the petitioner submitted that the petitioner along with his wife has entered a partnership business viz., Share market with one Parthiban and Rajesh and invested a sum of Rs.8 lakhs and Rs.28 lakhs on 06.12.2012 and 10.12.2012 respectively by way of affidavits on the assurance given by the said Parthiban and Rajesh that even though there is ups and downs in the share market, they would give not less than 15% to 20% profits of the business and they also undertakes to give them the deposited amount fully. However, the said persons had not invested their money in shares but absconded with the money. Hence, the petitioner has lodged a complaint before the respondent police on 21.01.2015. But the respondent police has not shown any interest to enquire the matter and register the case, instead they closed the case. He further submitted that the said Parthiban also filed an anticipatory bail petition before this Court and this Court has referred the matter to mediation where Parthiban has not come forward to settle the issue and the said anticipatory bail petition filed by him was

dismissed as withdrawn. Hence, the petitioner has come forward with this petition for the above stated relief.

3. At this juncture, the learned Additional Public Prosecutor would submit that already complaint has been closed stating that there is no prima facie case made out and hence, prayed for dismissal of the petition.

4. Considering the rival submissions made on both sides and a perusal of the typed-set of papers reveals that a sum of Rs.8 lakhs and Rs.28 lakhs has been given to Rajesh and Parthiban for investing the same in share market business by way of executing affidavits of undertaking by the petitioner's wife R.Subashini which does not contain any date on which the said amounts have been given but the said affidavits only bears the dates of purchase of stamp papers i.e., 06.12.2012 and 10.12.2012 respectively. Since the petitioner's wife has not received any amount from the said persons, petitioner has lodged the complaint. But closure report of the respondent police reveals that there is no prima facie case made out. During the enquiry, the respondent had correctly held that no evidence was let in to substantiate that the amount has been given and hence, there is no prima facie case made out and closed the complaint. In such circumstances, this Court is not inclined to interfere with the closure report of the respondent police. Considering the same, the Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to approach the appropriate forum to work out his remedy known to law.
DP

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
T-1, Ambattur Police Station,
Ambathur, Chennai-53.
2. The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr. Magestic Law Firm, Advocate SR 15071

rsi(co)
prk23/3

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