

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Cr1.O.P.No.5172 of 2016

S.Raman

...Petitioner

Vs.

1.The Joint Commissioner,
Ambattur,
Chennai-53.

2.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu,
Chennai-600 077.

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent to register the complaint dated 27.04.2015 and investigate the matter by filing FIR.

For Petitioner :Mr.A.Lakshmi Narasimhan

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, directing the 2nd respondent to register the complaint dated 27.04.2015 and investigate the matter by filing FIR.

2.The learned counsel for the petitioner submitted that the counter petitioner has received the money from the petitioner and he has not repaid the same. When the petitioner questioned the same, he issued two cheques, which were presented in the bank, cheques have been returned as "insufficient funds". Hence, the petitioner has given a complaint to the 2nd respondent in CSR No.260 of 2015, but the respondents have not shown any interest to investigate the matter and to register an FIR. Therefore, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor submitted that on receipt of the complaint dated 27.04.2015, both the parties were called for enquiry and the

counter petitioner has agreed to repay the amount of Rs.4 lakhs to the petitioner and issued two cheques. On that basis, the said complaint has been closed.

4.It is admitted by both the parties that on the complaint given by the petitioner on 27.04.2015, enquiry has been conducted and the counter petitioner has agreed to repay the amount and issued two cheques, which were bounced. Hence, the closure report furnished by the 2nd respondent is hereby reopened. The 2nd respondent is directed to conduct enquiry expeditiously 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.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Joint Commissioner,
Ambattur,
Chennai-53.

2.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu,
Chennai-600 077.

3.The Additional Public Prosecutor,
Madras High Court,
Madras.

+ 1 cc to Mr.A. Lakshminarasimhan, Advocate SR.

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AK(CO)
Eu 27.4.16