

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.535 of 2016

E.S.Prem Kumar

... Petitioner

Vs

The State rep. by
The Inspector of Police,
Guduvanchery Police Station,
Guduvanchery,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent namely the Inspector of Police, Guduvanchery Police Station, Guduvanchery Kancheepuram district to register the complaint of the petitioner dated 17.11.2015 and received on 19.11.2015 and investigate and take further action within a time to be stipulated by this Court.

For Petitioner : Mr.J.Hariharan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the respondent to register the complaint of the petitioner dated 17.11.2015, received on 19.11.2015, and to investigate the same and take further action within a time to be stipulated by this Court.

2. In the affidavit, it has been stated that on the recommendation of one Karthick, who is the relative of the petitioner, the petitioner was previously working as a marketing manager in Faasos Restaurant. The said Karthick wanted to start a fast food stall at Chennai and informed the petitioner that he should work under him and assured the petitioner that he would pay a monthly salary of Rs.15,000/- and a monthly salary of Rs.10,000/- to the petitioner's brother. He requested the petitioner to purchase a hand pulled cart for business purpose. The petitioner purchased the cart from one Loganathan for Rs.48,500/- . The cart was transported to Guduvanchery and

parked at the residence of karthick's friend. The fast food shop was started on 27.4.2015 near Guduvancherry railway Station. Since the said business did not yield any profit, the said Karthick started giving trouble to the petitioner and his brother . He did not pay the salary to the petitioner and his brother. The said Karthick also took the petitioner's two wheeler Yamaha FZ bearing registration No.84-Z-7819. Hence, the petitioner lodged a complaint on 17.11.2015 with the respondent police. Since no action has been taken so far, the present petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Learned Additional Public Prosecutor submitted that there is a dispute with regard to business transaction between the parties and he opposed the above direction.

5. Learned counsel for the petitioner denies the same and submitted that the petitioner's two wheeler bearing registration No.84-Z-7819 was taken forcibly by the counter petitioner. Hence, he seeks for the direction as prayed for.

6. Considering the submissions made on either side, this Court directs the petitioner to give a fresh complaint to the respondent police. On receipt of the said complaint, the respondent police is directed to conduct an enquiry and upon enquiry, if the materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

7. This criminal original petition is disposed of accordingly.

vsi

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
The State
Guduvancherry Police Station,
Guduvancherry,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J.Hariharan, Advocate SR 2380

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