

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CrI.O.P.No.5684 of 2016

Heena Chauhan

... Petitioner

Vs.

State rep.by

The Inspector of Police,

K-6, T.P.Chathiram Police Station (Crime),

Chennai-600 010.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent to register a case on the basis of the complaint given by the petitioner dated 18.06.2015 in CSR No.461 of 2015, investigate and file a final report under Section 173 CrPC.

For Petitioner :Mr.Ramesh Kumar Chopra

For Respondent :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 respondent to register a case on the basis of the complaint given by the petitioner dated 18.06.2015 in CSR No.461 of 2015, investigate and file a final report under Section 173 CrPC.

2.The learned counsel appearing for the petitioner submitted that the petitioner has given a sum of Rs.1,60,000/- to the counter petitioner for getting school admission of the petitioner's son. After receipt of the money, nothing happened. Hence, the petitioner has given a complaint to the respondent dated 18.06.2015 in CSR No.461 of 2015. During the enquiry, the counter petitioner has given an undertaking to repay the amount and paid Rs.60,000/- to the petitioner. For the balance amount,

two cheques for Rs.50,000/- each have been issued. He further submitted that when the cheques were presented in the Bank, the same has been returned as "insufficient funds". Therefore, the petitioner has come forward with this petition for the above stated relief.

3.The learned Additional Public Prosecutor submitted that on the basis of the complaint given by the petitioner, both the parties were called for enquiry and the counter petitioner has agreed to repay the amount in two installments and also gave cheques for Rs.1,00,000/-. On that basis, the petition enquiry was closed on 15.08.2015.

4.Considering the rival submission made on both sides, admittedly, during the enquiry, the counter petitioner has paid Rs.60,000/- to the petitioner and further, she gave two cheques for Rs.50,000/- each for the balance amount. When the cheques were presented for encashment, they have been returned. Hence, the closure report furnished by the respondent is hereby reopened. The respondent is directed to conduct 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

mps

To

1.The Inspector of Police,
K-6, T.P.Chathiram Police Station (Crime),
Chennai-600 010.

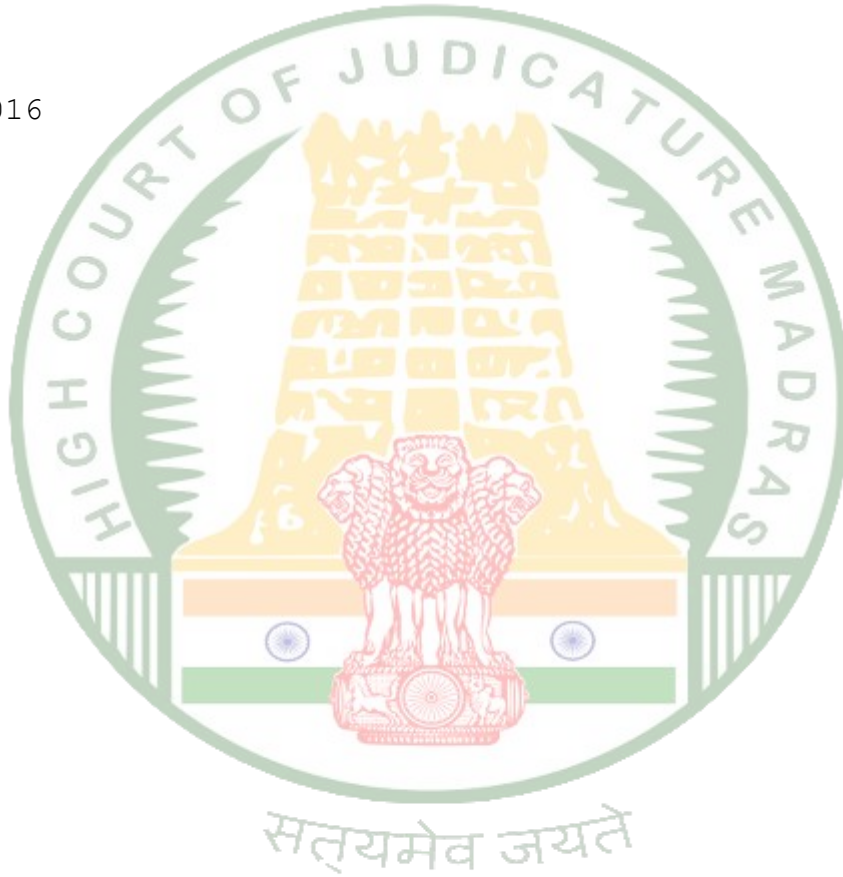
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2.The Public Prosecutor,
Madras High Court,
Madras.

+1 cc to Mr.Ramesh Kumar Chopra Advocate sr.18506

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