

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5879 of 2016

K.P.Krishnan

.. Petitioner

Vs.

The State by

The Inspector of Police,
Central Crime Branch EDF-1,
Team-1, Vepery,
Chennai - 07

.. 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 28.01.2016.

For Petitioner :Mr.K.P.Gopalakrishnan

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 to the respondent to register a case on the basis of the petitioner's complaint dated 28.01.2016.

2. The learned counsel for the petitioner submits that the petitioner has deposited nearly a sum of Rs.15,00,000/- with the counter petitioner, namely, Neelakandan, since he offered 24% of interest. Initially, petitioner received the interest and thereafter, the counter petitioner was default in paying neither the interest nor the principal. The learned counsel would further submit that the petitioner and other depositors convened meeting and lodged the complaint. On the basis of the complaint, the petitioner was called for an enquiry by the respondent on 08.02.2016. Thereafter, enquiry was conducted and the respondent police communicated a closure report dated 17.02.2016 stating that it is a "money transaction". It is further submitted that as per the decision laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)], the ingredients of Sections 415 and 405 of IPC dealing with Cheating and Criminal breach of Trust have been made out, hence the respondent police ought to register a case and without doing the

same, the respondent has closed the enquiry. Therefore, the petitioner prays to set aside the closure report and register a case.

3. The learned Additional Public Prosecutor on instructions would submit that after receipt of the complaint, enquiry has been conducted and it was closed as money dispute on 17.02.2016.

4. A perusal of complaint reveals that one Neelakandan, who has now switch over to ING VYSA, now claims to be a franchise holder in VIP Housing Pvt., Ltd., has received a sum of Rs.15,00,000/- with a promise to repay the same to the petitioner with interest at the rate of 24%. But there is no iota of evidence to show that the financial institution has been collecting money from the depositors. Hence, it is purely a money transaction between the petitioner and Neelakandan, Therefore, enquiry has been conducted after issuance of notice on 08.02.2016. The respondent has also furnished the closure report dated 17.02.2016.

In view of the closure report dated 17.02.2016, this Criminal Original petition deserves to be dismissed and accordingly, the same is dismissed.
ssd

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The State by
The Inspector of Police,
Central Crime Branch EDF-1,
Team-1, Vepery,
Chennai - 07

2. The Public Prosecutor
High Court, Chennai.

skv(co)
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