

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.6058 of 2016

J.Sridharan

.. Petitioner

Vs.

State rep. by

1.The Commissioner of Police
Greater Chennai, Veppery
Chennai-600 007.

2.The Inspector of Police
Central Crime Branch
Veppery, Chennai-600 007.

3.The Sub-Inspector of Police
Central Crime Branch
Veppery, Chennai-600 007.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to nominate a competent officer in the rank of Assistant Commissioner of Police to register the complaint dated 07.03.2016, to investigate and to file a final report.

For Petitioner : Mr.P.Kumaresan

For Respondent : Mr.Shanmugavelayutham
Public Prosecutor (State)

WEB COPY
O R D E R

The petitioner has come forward with this petition seeking for a direction to the first respondent to nominate a competent officer in the rank of Assistant Commissioner of Police to register the complaint dated 07.03.2016, to investigate and to file a final report.

2.The learned counsel for the petitioner submitted that the proposed accused had received amount from various persons for getting driver and conductor posts in Tamil Nadu State Transport Corporation, to the tune of Rs.1,14,00,000/-. As the proposed accused did not arrange any jobs, the petitioner

requested him to return the money. He further submitted that the proposed accused had also issued cheque and when the same was presented for encashment, it was returned as 'insufficient funds'. As the proposed accused neither arranged any jobs nor repaid the amount, the petitioner has lodged the complaint before the first respondent on 07.03.2016. But the respondents have not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Learned Public Prosecutor (State) would submit that there is a separate Wing for job racketing in Central Crime Branch, Chennai. A case in Crime No.441 of 2015 has been registered on the basis of the complaint given by one Devasagayam, who was cheated by the accused for getting job for his son in Tamil Nadu State Transport Corporation. In that case, the petitioner herein has given a representation that he may be examined as witness. Under such circumstances, there is no necessity for registering F.I.R. again for the same occurrence on the basis of the complaint given by the petitioner. Therefore, he prays for dismissal of this petition.

4.At this juncture, learned counsel for the petitioner submits that the accused in Crime No.441 of 2015 is entirely different from the accused mentioned in the present complaint given by the petitioner.

5.Considering the rival submissions made on both sides and perusing the typed set of papers, it reveals that the petitioner, who is working as an Assistant Manager in Tamil Nadu Transport Department, gave amount to the proposed accused by collecting the same from various persons for getting appointment order for the posts of driver and conductor in Tamil Nadu State Transport Corporation and that the accused had received a sum of Rs.1,14,00,000/-. But the proposed accused neither issued appointment order nor repaid the amount, however he had issued cheque and when the same was presented for encashment, it was returned as 'insufficient funds'. Even though the petitioner was cited as witness in Crime No.441/2015, which has been registered on the basis of the complaint given by one Devasagayam, I am of the view, it is a fit case to give a direction to the second respondent to conduct enquiry. Accordingly, the second respondent is directed to conduct enquiry, after considering the statement recorded from the witnesses and the relevant documents 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.

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

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner of Police
Greater Chennai, Veppery
Chennai-600 007.
 - 2.The Inspector of Police
Central Crime Branch
Veppery, Chennai-600 007.
 - 3.The Sub-Inspector of Police
Central Crime Branch
Veppery, Chennai-600 007.
 - 4.The Public Prosecutor, High Court, Chennai.
- + 1 cc to Mr.Mr.P.Kumaresan, Advocate Sr 19042
- + 1 cc to The Public Prosecutor, High Court, Chennai.
Sr 19576

KR/30/3/16

सत्यमेव जयते

Crl.O.P.No.6058 of 2016

WEB COPY