

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.6082 of 2016

D.V.Karunakaran

.. Petitioner

Vs.

1.The Commissioner of Police,
Chennai City Commissioner Office,
Purasaiwakkam, Chennai - 07.

2.State rep. by The Inspector of Police,
R-4 Soundarapandian Nagar Police Station,
Pondy Bazaar, Chennai - 17. .. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register the case dated 10.02.2015 and initiate legal action acting in accordance with law.

For Petitioner : Mr.M.K.Yukanth
For Respondents : Mr.C.Emalias
Addl. 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 pertaining to the petitioner's complaint dated 10.02.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint stating that the counter petitioner has purchased the property under the invoice but he has not paid the amount. Hence, he has given a complaint on 10.02.2015, for which, C.S.R.No.115 of 2015 has been assigned. But on 07.03.2015, the counter petitioner undertook to repay the amount on or before 11.03.2015 and he has also issued a cheque. When the cheque was presented for encashment, it was returned with an endorsement "insufficient funds". Hence, the present complaint has been given. But the respondent has 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.At this juncture, the learned Additional Public Prosecutor would submit that on the basis of the complaint given by him, enquiry has been conducted, both the parties were called and they agreed to approach the civil forum and hence, the complaint was closed. He further submitted that the closure report has also been furnished to the petitioner.

4.Considered the rival submissions made by both sides and perused the typed set of papers.

5.According to the petitioner, the counter petitioner has purchased the property as per the invoice in Page No.1 of the typed set of papers but he has not paid the amount. Hence, the complaint has been given, for which, C.S.R.No.115 of 2015 has been assigned. The counter petitioner undertook to repay the amount on or before 11.03.2015 and he has also issued a cheque. When the cheque was presented for encashment, it was returned with an endorsement "insufficient funds". Since, it is a dispute regarding unpaid purchase money, I am of the view that it is civil in nature. Therefore, recording the closure report furnished by the learned Additional Public Prosecutor, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Chennai City Commissioner Office,
Purasaiwakkam, Chennai - 07.
- 2.The Inspector of Police,
R-4 Soundarapandian Nagar Police Station,
Pondy Bazaar, Chennai - 17.
- 3.The Public Prosecutor
High Court, Chennai.

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SKS (CO)
EU 17.05.16