

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.7352 of 2016

R.Karunasekar

... Petitioner

Vs.

1. State rep by
Inspector of Police
K-3 Aminjikarai Police Station,
Chennai - 29.

2. The Deputy Commissioner of Police,
Anna Nagar Range,
Anna Nagar District,
Chennai.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation to some other agency like CBCID on a complaint lodged by the petitioner on 19.03.2016 in CSR No.143/2016, pass appropriate directions.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to transfer the investigation to some other agency like CBCID on the complaint lodged by the petitioner on 19.03.2016 in CSR No.143 of 2016.

2.The learned counsel for the petitioner submitted that the proposed accused has abducted the petitioner and demanded money. Hence, he lodged a complaint before the respondent police on 19.03.2016 and it was also assigned CSR No.143 of 2016, 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, on instructions, would submit that enquiry has been conducted and on enquiry it is revealed that the petitioner himself has purchased some iron rod to the tune of Rs.82,27,383/- and he has not repaid that amount. It was questioned and he replaced it with cheque and the cheque has bounced. Hence, with a view to escape from the clutches of law, the petitioner has given a complaint. He further stated that summons was issued for his appearance on 27.03.2016 and the petitioner appeared before the respondent police on 27.03.2016 for enquiry and after enquiry it was closed on 01.04.2016 and would further submit that nothing survives in this petition and prayed for the dismissal of the petition.

4.Considering the rival submissions made on both sides and on perusal of the typed set of papers, it is known that the complaint dated 19.03.2016 lodged by the petitioner was assigned CSR No.143 of 2016 and summons was issued for his appearance on 27.03.2016, but the statement recorded by the Investigation Officer is not in accordance with the procedure. It was recorded under Section 161(3) of Cr.P.C. But, in the statement given by the petitioner, signature of the petitioner does not find place. Hence, the closure report is hereby reopened. The first respondent police is directed to enquire the matter 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. There is no necessity for transfer of the case since the case is yet to be registered.

5.With the above direction, this Criminal Original Petition is disposed of.
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s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, K-3 Aminjikarai Police Station, Chennai - 29.
2. The Deputy Commissioner of Police, Anna Nagar Range, Anna Nagar District, Chennai.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.Swamidoss Manokaran, Advocate SR 20860

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prk15/4

Cr1.O.P.No.7352 of 2016