

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.867 of 2016

C.Krishnan

... Petitioner

Vs

State by

1. The Superintendent of Police,
Namakkal District, Chennai.

2. The Inspector of Police,
Puduchathiram Police Station,
Puduchathiram,
Namakkal District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to respondent to register FIR on the basis of the complaint lodged by the petitioner on 02.12.2015.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the second respondent to register the case on the petitioner's complaint dated 02.12.2015.

2. The case of the petitioner is that the petitioner is doing tapioca brokerage business. During the course of the business, One S.R.K.Kandasamy, who is said to have purchased tapioca from other brokers, was introduced by one Govindaraj, Moorthy and Selvam and they forced the petitioner to supply tapioca to the said S.R.K.Kandasamy. The petitioner handed over 12 loads of tapioca worth about Rs.17,40,130/- to the said S.R.K.Kandasamy and he assured that he will settle the said amount within one week. But, on the other hand, the said Govindaraj, Moorthy and Selvam received a sum of Rs.3,96,000/- from the said S.R.K. Kandasamy. When the petitioner asked to return back the amount received from the said S.R.K.Kandasamy,

the said Govindaraj, Moorthy and Selvam threatened the petitioner with dire consequences. Hence, the petitioner has lodged a complaint before the Superintendent of Police, Salem and the same was forwarded to the Inspector of Police, District Crime Branch, Salem and in turn the Inspector of Police, DCB, Salem, enquired the same and arranged to pay a sum of Rs.50,000/- to the petitioner. Thereafter, the Inspector of Police, DCB, Salem directed the petitioner to approach the first respondent and the first respondent directed the petitioner to lodge a complaint before the second respondent. After receipt of the complaint, second respondent enquired the accused persons and also obtained statement from them. But, till date no action was taken on the said complaint. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that the dispute between the parties is only with regard to recovery of money. Therefore, there is no need to give any specific direction to the respondents. But, the learned counsel for the petitioner denies the same and sought for direction.

5. In view of the submissions made on either side, the petitioner is directed to give a fresh complaint along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such complaint, this Court directs the second respondent to conduct enquiry on the complaint of the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out, the second respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

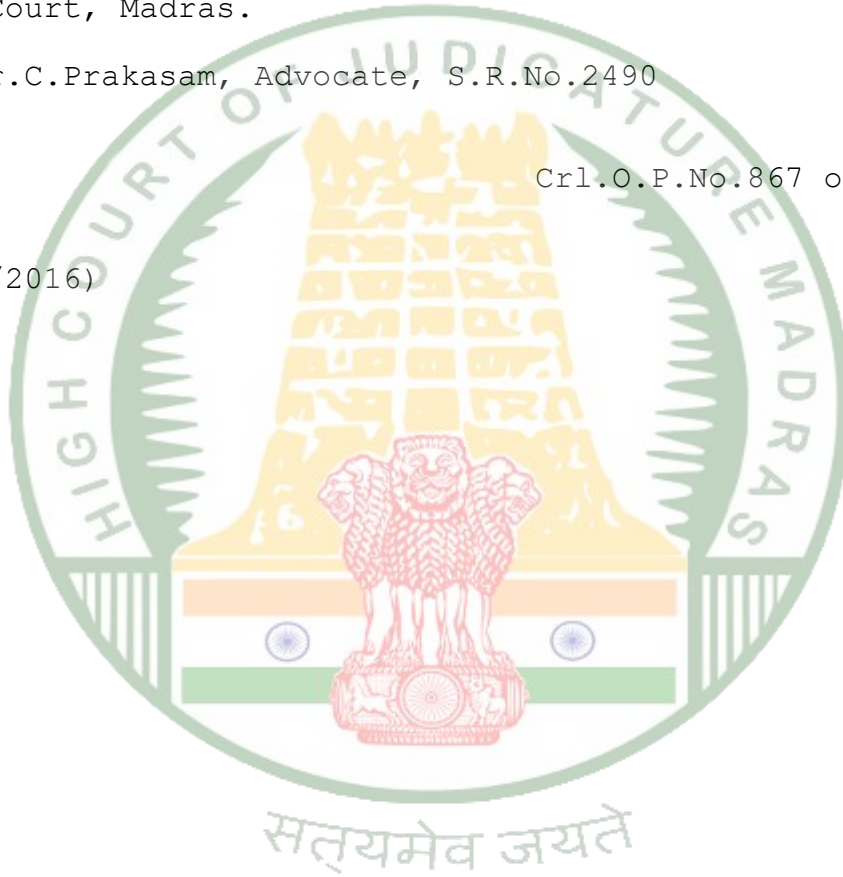
To

1. The Superintendent of Police,
Namakkal District, Chennai.
2. The Inspector of Police,
Puduchathiram Police Station,
Puduchathiram,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.2490

Crl.O.P.No.867 of 2016

rsy(CO)
srg(28/01/2016)



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