

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.946 of 2016

R.Sathyanathan

... Petitioner

Vs

The State,
Inspector of Police,
Kodungaiyur Police Station,
Chennai District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent Police to register the complaint dated 13.11.2015 sent by the petitioner and investigate the same within the stipulated time frame.

For Petitioner : Mr.S.Parthasarathy.
For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Police to register the complaint dated 13.11.2015 sent by the petitioner and investigate the same within the stipulated time frame.

2. The petitioner states that one Divya borrowed a sum of Rs.3,60,000/- from the petitioner in the month of March 2014 stating that her father is suffering from heart ailment and she needs the amount for his treatment and she also promised to repay the same after getting chit amount. Apart from that, the petitioner had given 3 ½ sovereigns of chain and a ring to the said Divya. Later, the petitioner came to know that the said Divya had cheated several persons like the petitioner in the same fashion. In the month of July 2015, the petitioner asked her to repay the amount but she issued three cheques and when the petitioner presented the same in the Bank, all the three cheques were dishonoured. When the petitioner went to Divya's house, he found that the house was locked and she had vacated the house. Immediately, the petitioner lodged a complaint on 4.7.2015. She appeared before the respondent police and agreed to repay the amount and jewels by the end of September 2015, but

she did not pay the amount. When the petitioner made phone calls, she threatened the petitioner with dire consequences. Therefore, again, the petitioner lodged a complaint before the respondent police on 13.11.2015. Since no action was taken so far, the present petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Learned Additional Public Prosecutor submitted that the allegation made in the complaint would not constitute any cognizable offence. Hence, he opposed the grant of the above direction.

5. Learned counsel appearing for the petitioner submitted that there is an allegation of threat made in the complaint and thus, he sought for a suitable direction.

6. In view of the submission made on either side, this Court directs the respondent police to conduct an enquiry only with regard to the allegation of threat said to have been made by Divya and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible.

7. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. Inspector of Police,
Kodungaiyur Police Station,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No. 946 of 2016

skv(CO)
srg(03/02/2016)