

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.975 of 2016

M.Vinoth @ Krishnamoorthy .. Petitioner

Vs

The State Rep. by its
Inspector of Police,
Needamangalam Police Station,
Needamangalam & TK,
Thiruvarur District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent to register the case on the complaint dated 18.11.2015.

For Petitioner :Mr. P.Vijendran

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to direct the respondent to register the case on the complaint dated 18.11.2015.

2. In the petition, it has been stated that the petitioner and his brother M.Palaniselvam, who is working in M/s.TVS Company at Chennai, are residing at East Street, Orathur, Sithamalli and they have handed over the entire family maintenance to their brother-in-law, namely, R.Chellaiah. On compulsion of the said R.Chellaiah, petitioner's brother Palaniselvam married Kalalvizhi, who is the daughter of the said R.Chellaiah on 22.01.2010. Thereafter, since the said R.Chellaiah continuously demanded money, the petitioner sent money through his Indian Bank Account NO.526029987, Papanasam Branch, while he was in abroad. While so, when the petitioner and his relatives asked about the money received by the said R.Chellaiah, he refused to give back the money and also threatened the petitioner with dire consequences. Hence, the

petitioner has lodged a complaint on 18.11.2015. But, till date, no action has been 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 respondent.

4. The learned Additional Public Prosecutor submitted that that the dispute between the parties is only with regard to recovery of money. He further submitted that no complaint of the petitioner is pending with the respondent and if a fresh complaint is given, necessary action will be taken.

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 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 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.

mrp

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To:

1. Inspector of Police,
Needamangalam Police Station,
Needamangalam & TK,
Thiruvarur District.

2. The Public Prosecutor,
High Court, Madras

+ 1 cc to Mr.P.Vijendran, Advocate SR 2523

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