

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.978 of 2016

Dr.V.Elangovan

... Petitioner

Vs

1. State rep. By
The Commissioner of Police,
Greater Chennai Police,
Chennai.
 2. The Assistant Commissioner of Police,
Central Crime Branch,
Greater Chennai Police,
Chennai.
 3. The Inspector of Police,
Central Crime Branch,
Bank Fraud, Team - XII,
Vepery, Chennai.
- Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the third respondent police to register the FIR based on the complaint dated 21.04.2015 having Ref. No.963/COP/Visitors/2014 dated 21.04.2015 pending before the third respondent, within the time fixed by this court.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the third respondent police to register an FIR based on the complaint dated 21.04.2015.

2. The petitioner is the dentist by profession and he is residing at No.43, S.R.P.Colony, second street, Periyar Nagar, Agaram, Chennai. On 14.03.2012, the petitioner deposited two cheques, viz, Cheque Nos.533629 and 53360 to the tune of Rs.4,50,000/- and Rs.2,00,000/- respectively, in his account at Indian Overseas bank, Periyar Nagar Branch. The said cheques

were issued to the petitioner by one Shrenik Rajkothari towards sale consideration of a property. On 21.03.2012, when the petitioner went to his bank to update his account, he found that only Rs.2 lakhs was credited to his account and Rs.4,50,000/- was remained uncredited to his account. The said Shrenik Rajkothari verified and stated that his account has been debited for the said cheque of Rs.4.50 lakhs. The petitioner immediately complained the same to the Drawer and Drawee Banks and in the Drawer Branch, namely, Indian Bank, a CCTV footage was shown, in which one person had withdrawn the money by cash using the said cheque, on 15.03.2012. The Bank further gave a photostat copy of the cheque, which showed that the left hand top corner was mutilated i.e. the place where "A/c payee" is written, was torn off and the cheque was apparently encashed by some fraudulent individual as a cash cheque. The person who withdrew the cash had signed his name as V.Elangovan and his address has been stated as No.9/208, Perumal Koil Street, Neelankarai, Chennai - 41, with a fake mobile number, which is having 9 digits only and the denomination of the amount was also mentioned. Hence, the petitioner lodged a complaint dated 13.08.2012 with the first respondent and the same was forwarded to the M4-Red Hills Police Station. Since no action was taken on the said complaint, the petitioner filed CrI.O.P.No.22318 of 2013 for a direction to register the complaint dated 13.08.2012. In the said CrI.O.P.No.22318 of 2013, this court directed the petitioner to file a fresh complaint before the 2nd respondent police station at M4 Red Hills Police Station with a further direction to the second respondent to enquire the matter and proceed further in accordance with law within a period of one month. Accordingly, the petitioner gave a fresh complaint before the Inspector of Police, M-4 Red Hills Police Station vide complaint dated 30.10.2013, for which, CSR No.90/13 dated 20.11.2013 was issued. But, thereafter there is no progress in the investigation. Hence, the petitioner gave a complaint to the first respondent once again with a request that the matter may be investigated by the Central Crime Branch and the same was considered by the first respondent and forwarded the complaint to the third respondent and the same was registered in Ref.No.963/COP/Visitores/2014 dated 21.04.2015. But, thereafter, there is no progress in the case. Hence, the present criminal original petition has been filed.

3. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the respondent police has conducted a detailed enquiry and closed the complaint since already this court has give a direction to the Red Hills Police Station to conduct enquiry. He has also produced the copy of the closure report.

4. Since the complaint given by the petitioner was already closed, now this court cannot give any direction and hence, this petition is closed. However, the petitioner is at liberty to work out his remedy in the manner known to law. The third respondent is directed to serve the copy of the closure report to the petitioner .

mrp

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai Police,
Chennai.
2. The Assistant Commissioner of Police,
Central Crime Branch,
Greater Chennai Police,
Chennai.
3. The Inspector of Police,
Central Crime Branch,
Bank Fraud, Team - XII,
Vepery, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Velmurugan, Advocate SR 2525

vsn(co)
prk9/2

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