

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.8007 of 2017

M/s.Sabu Trade Pvt. Ltd
rep. by its Managing Director
Gopal Sabu

... Petitioner

Vs

1.The Commissioner of Police,
Salem District.

2.The Inspector of Police,
Annathanapatti Police Station,
Salem District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the return endorsement made by the learned Judicial Magistrate No.IV, Salem and to direct the respondents herein to register an FIR under the provisions of Sections 154 and 420 of the Code of Criminal Procedure and Sections 166 and 452 of the Companies Act, 2013, pursuant to the complaint lodged by the petitioner company dated 04.07.2016 and 08.07.2016.

For Petitioner : Mr.C.Kanagaraj

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to set aside the return endorsement made by the learned Judicial Magistrate No.IV, Salem and to direct the respondents herein to register an FIR under the provisions of Sections 154 and 420 of the Code of Criminal Procedure and Sections 166 and 452 of the Companies Act, 2013, pursuant to the complaints lodged by the petitioner company dated 04.07.2016 and 08.07.2016.

2. The case of the petitioner is that the petitioner has filed a complaint by way of petition under Section 156(3) Cr.P.C before the learned Judicial Magistrate No.IV, Salem, praying for a direction to the respondents to register a FIR based on their complaints dated 04.07.2016 and 08.07.2016. The

said petition was returned for complying with certain defects and the same was subsequently represented. However, the said petition was again returned, stating that previous return was not complied with. Hence, this petition.

3. Learned counsel for the petitioner submitted that as against one Rajkumar Sabu and another, the petitioner has already lodged complaints with the respondent police. Since no action was taken on the said complaints, they have approached the lower court with concrete evidence by filing a petition, seeking a direction to the respondents to register their complaint on 21.10.2016. However, till date, the said petition was not even numbered. Therefore, learned counsel sought for appropriate direction from this Court.

4. Heard the learned Additional Public Prosecutor appearing for the respondents, who is unable to explain the delay caused by the respondents.

5. Considering the facts and circumstances of the case, this Court is of the view that the undue delay caused by the lower court in numbering the petition filed by the petitioner cannot be countenanced. Therefore, the learned Judicial Magistrate No.IV, Salem is directed to number the petition filed by the petitioner seeking a direction to the respondent to register a case and take up the same on file and proceed further in accordance with law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1.The Judicial Magistrate IV,
Salem.

2.-Do-Thro The Chief Judicial Magistrate,
Salem

3.The Commissioner of Police,
Salem District.

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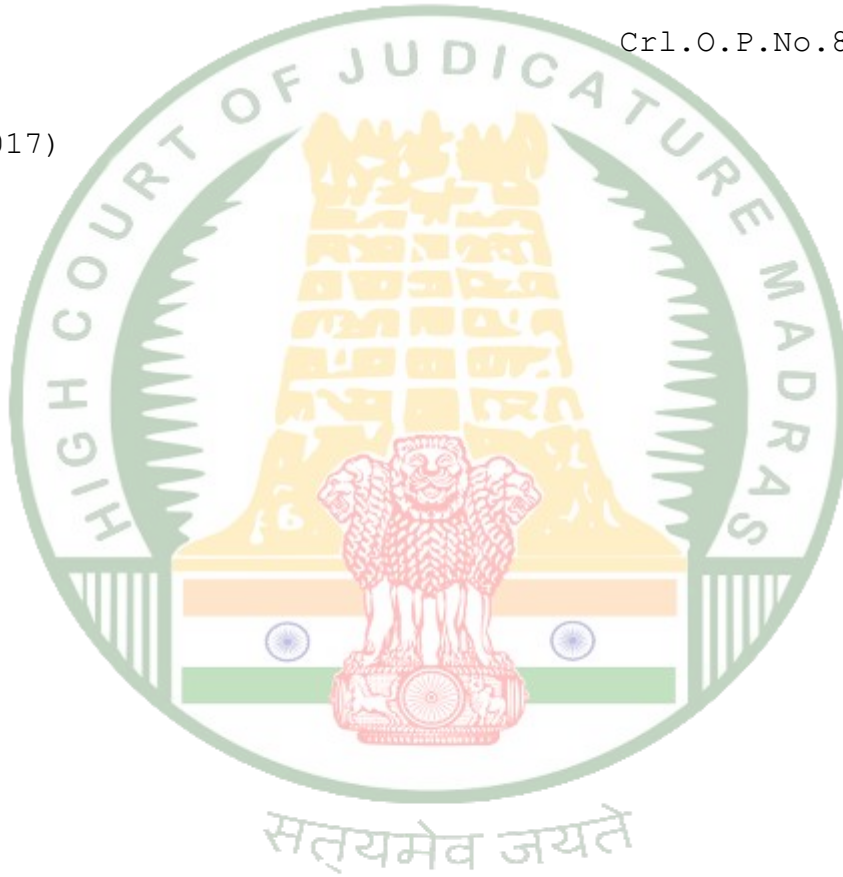
4.The Inspector of Police,
Annathanapatti Police Station,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Kanagaraj,Advocate sr.24540

Crl.O.P.No.8007 of 2017

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