

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

Cr1.O.P.No.20235 of 2017

K.K.Kunhikrishnan

.. Petitioner

...Vs...

State by
Sub Inspector of Police,
EDF Wing, Team-I,
Vepery, Chennai - 600 007

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in R.C.Crime No.III(3)/70/11094/2017 dated 25.02.2017 passed by the respondent herein.

For Petitioner : Mr.C.Rajan

O R D E R

This Criminal Original Petition has been filed under Section 482 Cr.P.C, to set aside the order in R.C.Crime No.III(3)/70/11094/2017 dated 25.02.2017 passed by the respondent herein.

2. The grievance of the petitioner is that one Dr.Mukilan who was running an institution in the name of Indian Academy of Interdisciplinary Dentistry at Flat No.128, Swapnalok, 60/66, EVK Sampath Salai, Chennai - 600 007 made false promise of getting admission to his son in MDS course and received Rs.25 lakh but neither arranged seat in MDS course nor repaid the amount. In this connection, the petitioner had given a complaint dated 11.11.2016 to the Chief Minister Cell. However, by an order dated 25.02.2017, the respondent herein had closed his complaint stating since the petitioner had filed civil suit before the Madras High Court for recovery of the amount, he shall seek remedy through the appropriate forum for recovery of the money and thereby closed the complaint. Challenging the said order, the present criminal original petition has been filed.

3. On a plain reading of the impugned order dated 25.02.2017, it is seen that the reasoning of the respondent-police is illegal. Just because the petitioner has chosen to initiate civil proceedings for recovery of the money, the same will not absolve the accused person of his criminal liability. It is always open to the petitioner to approach civil forum for

recovery of the money as well as initiate criminal proceedings for criminal prosecution against the accused for the above said offence.

4. In view of the above reasoning, the impugned order dated 25.02.2017 passed by the respondent/Sub-Inspector of Police, Central Crime Branch, Team-I, Vepery, Chennai - 07 is set aside. Consequently, the petitioner is granted liberty to file a fresh complaint to the Central Crime Branch, Chennai setting forth the allegations and on such a complaint, the Central Crime Branch, Chennai, shall register the complaint against the said Dr. Mukilan and any other person against whom the petitioner made implications. Such exercise shall be completed within a period of two days from the date of receipt of a copy of this order.

5. With these observation, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nvi

To

1. The Sub Inspector of Police,
EDF Wing, Team-I,
Vepery, Chennai - 600 007.
2. The Inspector of Police, Central Crime Branch,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to MR. C. Rajan, Advocate Sr.72324

MSM(CO)
EU(30/10/2017)

Cr1.O.P.No.20235 of 2017