

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.6261 of 2017

G.Gopirajan

.. Petitioner

Vs

1.The Superintendent of Police (East Region),
O/o. The Superintendent of Police - East Region,
Pondicherry.

2.The State rep. by Station House Officer,
Grand Bazaar Police Station,
Pondicherry.

3.M.Ganesh

4.G.Rubini

5.B.Balaraman

6.B.Mahalakshmi

7.B.Nakkiran

8.B.Sivaprakash

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 and 2 to register a case and investigate based on the complaint dated 07.11.2016.

For Petitioner : Mr.K.A.Mariappan

For R1 & R2 : Mr.S.Tamilvanan, APP(Pondy)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to conduct investigation on the complaint dated 07.11.2016 made by the petitioner and register a case.

2.It is the case of the petitioner that the petitioner and the third respondent were partners and their partnership firm was registered with the Registrar of Firms at Pondicherry. Thereafter, some dispute arose, which led to lodge a complaint against the third respondent on 07.11.2016 to the second respondent. On the failure of the respondent police to take action on the said complaint, the petitioner filed a private complaint under Section 156(3) Cr.P.C before the learned Chief Judicial Magistrate, Pondicherry, who, in turn, took the complaint on file as CMP.No.4159 of 2016 and directed the respondent police to investigate and take necessary action, after conducting preliminary enquiry, by order dated 23.12.2016. However, till date, the respondent police has not complied with the said direction. Hence, this petition.

3.The learned counsel for the petitioner submitted that the respondent has not at all acted upon the complaint lodged by the petitioner, whereas, the learned Additional Public Prosecutor appearing for the respondent police, on instructions, submitted that necessary enquiry was conducted as per law. The said submission is stoutly denied by the learned counsel for the petitioner stating that even the petitioner did not call for enquiry by the respondent police.

4.Considering the facts and circumstances of the case and taking note of the submissions made on either side, this Court directs the respondent police to call the petitioner as well as all the necessary parties for enquiry on 28.06.2017, on the petitioner's complaint dated 07.11.2016 and the petition in CMP.No.4159 of 2016, which was forwarded by the learned Chief Judicial Magistrate, Puducherry and if the allegations made therein disclose commission of cognizable offence, register a case, investigate the same and file a final report or close the same as the case may be, in accordance with law, as expeditiously as possible.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

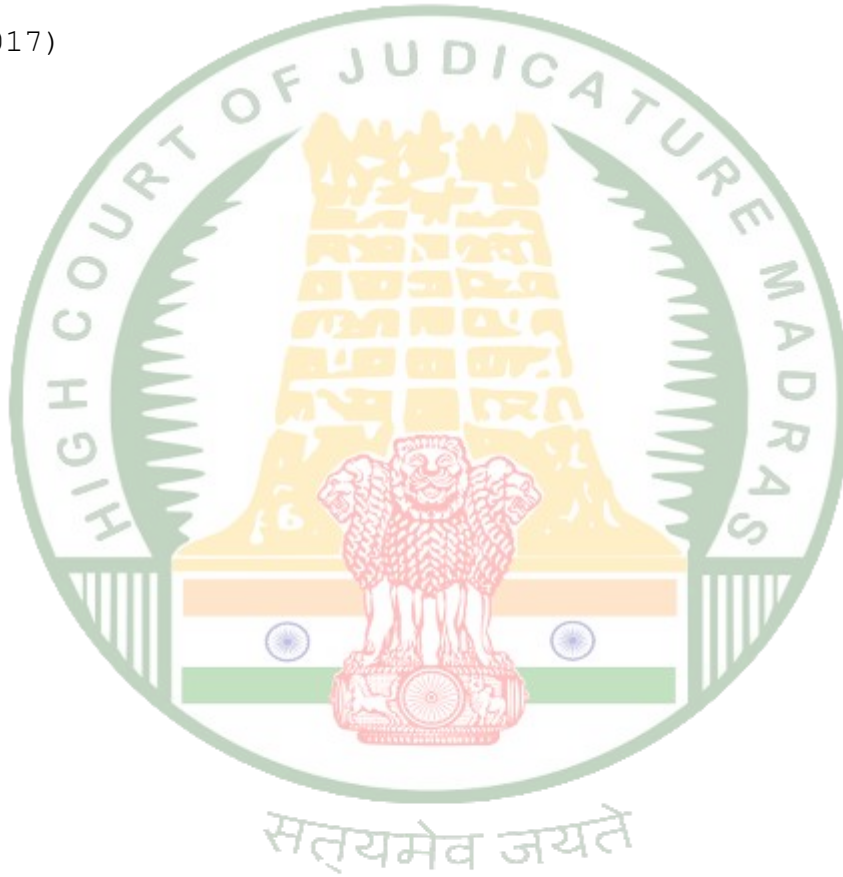
1.The Superintendent of Police (East Region),
O/o. The Superintendent of Police - East Region,
Pondicherry.

2.The State rep. by Station House Officer,
Grand Bazaar Police Station,
Pondicherry.

+1cc to Mr.R.Sreedhar,Advocate sr.43370

Cr1.O.P.No.6261 of 2017

lrs(co)
ss(23/6/2017)



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