

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25052 of 2017

Manoj Paul

.. Petitioner

Vs.

1. The Commissioner of Police
Chennai City Commissioner Office,
EVK Sampath Salai, Vepery,
Chennai.

2. State Rep.by
The Inspector of Police,
Central Crime Branch,
EDF-1, Team 1
Vepery, Chennai - 7

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents to register the complaint dated 25.11.2016 and proceed with the investigation to be done by a Police Officer not below the rank of Assistant Commissioner of Police of the CBCID.

For Petitioner : Mr.A.Sasidharan
For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

This petition is filed to direct the respondent to register the complaint dated 25.11.2016 and proceed with the investigation to be done by a Police Officer not below the rank of Assistant Commissioner of Police of the CBCID.

2. The crux of the complaint made by the petitioner herein is that the accused namely Rinesh Kumar while, under their employment had parallelly floated another company at New Delhi, in the name of Manomay Exim and Services Pvt. Ltd., in the year 2010. At the time, this company was floated the accused Rinesh Kumar was under employment of the petitioner's company and had subsequently resigned only in the year 2016. Initially he and his wife were Director of the company and subsequently his mother was also made as a Director in his place.

3. The second respondent/police by report dated 06.10.2017, had closed the petitioner's complaint on the ground that it was a business transaction and therefore advised the petitioner to

approach appropriate civil forum. The complaint clearly reveals that the petitioner/accused therein, while in service of the petitioner herein had floated another company and had diverted the funds which according to the petitioner belongs to their company. I am unable to comprehend as to how this could be termed as a civil dispute. Rather, the averments made in the complaint constitutes a cognizable offence. Nevertheless, this issue requires investigation and it would be appropriate that if the second respondent police registers the complaint based on the averments made in the petition.

4. In the result, the closure report dated 06.10.2017 given by the second respondent/police is set aside and the second respondent is directed to conduct a fresh enquiry based on the petitioner's complaint dated 25.11.2016 and complete the investigation as expeditiously as possible. It is also made clear that such investigation shall be monitored by the Assistant Commissioner of Police CCB attached to the first respondent.

M.S.RAMESH,J.

AT

5. With the above observations, the criminal original petition stands allowed.

27.11.2017

Index:Yes/No
AT

To

1. The Commissioner of Police
Chennai City Commissioner Office,
EVK Sampath Salai, Vepery,
Chennai.
2. The Inspector of Police,
Central Crime Branch,
EDF-1, Team 1
Vepery, Chennai - 7
3. The Public Prosecutor,
High Court, Madras.

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