



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE S.S.SUNDAR**

CRL.O.P. (MD) .No.13722 of 2017

C.Subburajan . . . Petitioner

Vs.

1. The Superintendent of Police,  
Theni District.

2. The Inspector of Police,  
Devadanapatti Police Station,  
Devadanapatti,  
Theni District.

. . . Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to respondents 1 and 2 to register a case on the basis of the petitioner's complaint, dated 15.03.2017 within a stipulated time and submit the report before this Court.

For Petitioner : Mr.A.Rajaram

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

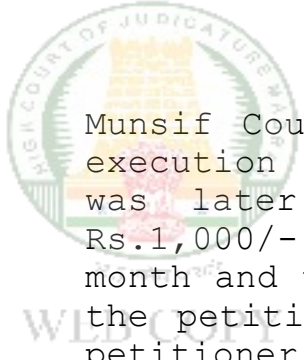
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### ORDER

This Criminal Original petition is filed for issuing a direction to respondents 1 and 2 to register a case on the basis of the petitioner's complaint, dated 15.03.2017 within a time and submit the report before this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner states that he stood as a guarantor for his colleague, by name, L.Subramaniam in connection with a loan which was advanced to the said L.Subramaniam. It is further stated that the Bank had filed a Suit before the Madurai Town District



Munsif Court and obtained a decree. It is also a fact that in execution of the decree in E.P.No.287 of 2004, a garnishee order was later obtained as against the petitioner and a sum of Rs.1,000/- was deducted from the petitioner's monthly salary every month and the entire amount of Rs.17,000/- has been recovered from the petitioner. It is for the recovery of the money, which the petitioner is entitled to from the borrower, the petitioner has given a police complaint. The proposed accused is not the borrower but his wife.

4. From the reading of the complaint, it is stated that the proposed accused had promised to pay the said sum of Rs.17,000/- and that she has refused after promising to pay the entire money in the month of December 2016. Since the complaint is only to enforce the petitioner's right to recover the amount which he has paid on behalf of his colleague, the complaint does not disclose any cognizable offence, except the financial liability of the proposed accused.

5. In such circumstances, except giving liberty to the petitioner to approach the civil Court for appropriate relief, this Court is not in a position to entertain the petition to register the complaint. Hence, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Theni District.
  2. The Inspector of Police,  
Devadanapatti Police Station, Devadanapatti,  
Theni District.
  3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- + 1 cc TO Mr.A.Rajaram , Advocate in SR No. 84573

pmu

AE/JC/SAR2/14.11.2017/2P/5C