

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.09.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22113 of 2018

S.Madhavan

...Petitioner

Vs

1. Deputy Superintendent of Police,
Collectorate Compound,
Vandavasi Road,
kancheepuram - 631 501.

2. The Inspector of Police,
Guduvancheri Police Station,
Guduvancheri,
Chengalpattu Taluk,
Kancheepuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Crl.P.C., to pass orders directing the respondents to register criminal case considering the criminal activities of one S.Abdul Khani on the complaint given by the petitioner dated 26.07.2018 and to complete the investigation within the stipulated period.

For Petitioner : Mr.P.Subramanian

For Respondents : Mr. C.Raghavan(Criminal Side)
Government Advocate

ORDER

This petition has been filed by the de-facto complainant to direct the second respondent to register the case based on the complaint given by the petitioner dated 26.07.2018.

2. The learned counsel for the petitioner has submitted that on various occasions, one S.Abdul Khani had borrowed a sum of Rs.8,80,000/- and issued five cheques. She further submitted that when the said five cheques were presented in the bank for encashment they were dis-honoured for "insufficient funds" and hence, the petitioner has already filed three cases in respect of 3 cheques under Section 138 of the Negotiable Instruments Act and they are pending before the learned Judicial Magistrate, II,

Chengalput. She further submitted that in respect of the remaining 2 cheques, the petitioner has not filed any case under Section 138 of the Negotiable Instruments Act and hence he lodged a complaint before the second respondent on 26.07.2018, but, so far no action has been taken.

3. The learned Government Advocate(Criminal Side) has submitted that since the petitioner has already chosen to file a private complaint U/s 138 of the Negotiable Instruments Act, in respect of 3 cheques, he may be directed to file private complaint in respect of the remaining two cheques also.

4. Admittedly, the petitioner has already filed three cases under Section 138 of the Negotiable Instruments Act against one S.Abdul Khani and the said cases are pending before the learned Judicial Magistrate, II, Chengalput. That being so, he could have filed private complaints under Section 138 of the Negotiable Instruments Act in respect of the remaining 2 cheques also. Hence this petition is not maintainable and the same is liable to be dismissed.

5. With the aforesaid observations, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. Deputy Superintendent of Police,
Collectorate Compound,
Vandavasi Road,
kancheepuram - 631 501.

2. The Inspector of Police,
Guduvancheri Police Station,
Guduvancheri,
Chengalpattu Taluk,
Kancheepuram District.

3. The Government Advocate
Office of the Public Prosecutor,
High Court,
Chennai.

CrI.O.P.No.22113 of 2018

spd[co]
srg 04/10/2018



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