

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22420 of 2018

K.Shanmuganathan

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Kolathur Police Station,
Chennai - 600 099.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue a direction directing the respondent to register the petitioner's complaint dated 27.02.2018 vide CSR.No.56 of 2018 and investigate the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent : M/s.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has filed to direct the respondent to register a case based on the complaint given by the petitioner dated 27.02.2018.

2. The learned counsel for the petitioner has submitted that the proposed accused has received a sum of Rs.10,00,000/- by assuring that he will add the petitioner as partner in a mobile shop, but thereafter, he did not include the petitioner as a partner and also refused to repay the amount. However, he has issued a cheque and when the said cheque was presented in the bank for encashment, the same was dishonoured as 'funds insufficient' and hence, the petitioner has lodged a complaint before the respondent on 27.02.2018, but, so far, no action has been taken.

3. The learned Additional Public Prosecutor has submitted that since it is a cheque bounced case, the petitioner has to file a private complaint under Section 138 of Negotiable Instruments Act, before the concerned Judicial Magistrate.

4. Considering the aforesaid submissions, since this is a cheque bounced case, the petitioner has to file a private complaint under Section 138 of Negotiable Instruments Act, before the concerned court and therefore, no direction can be given to the respondent to register a case.

5. In the result, this Criminal Original petition is dismissed.

smv/vsa

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

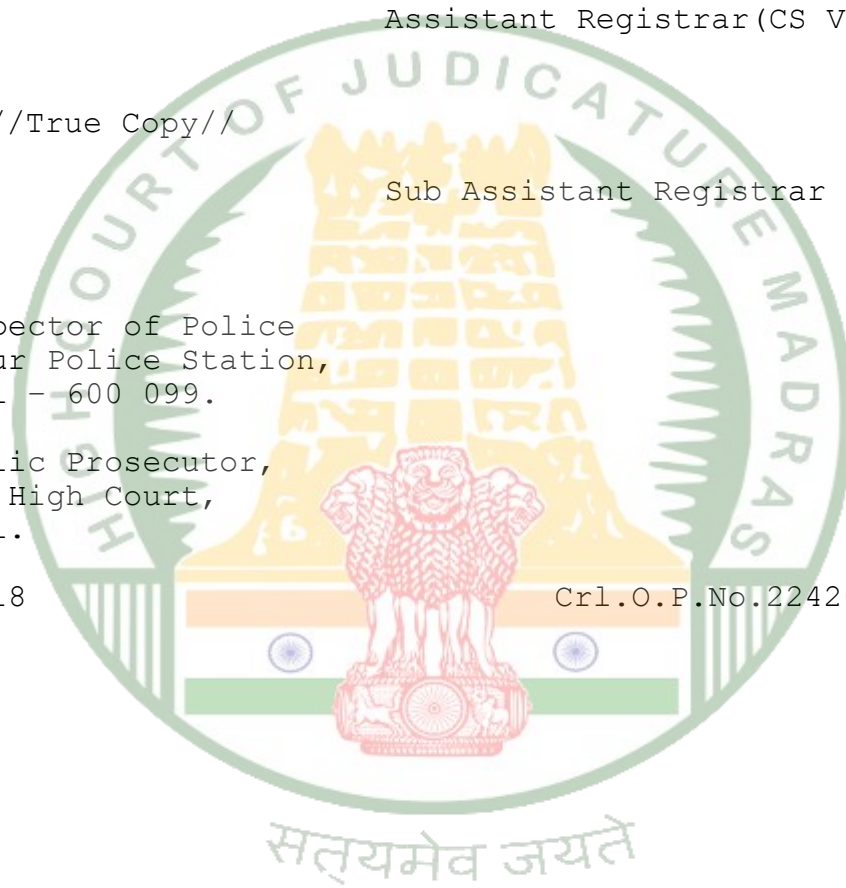
To

1.The Inspector of Police
Kolathur Police Station,
Chennai - 600 099.

2.The Public Prosecutor,
Madras High Court,
Chennai.

KR/25/10/18

Cr1.O.P.No.22420 of 2018



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