

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.14024 of 2018

A.Julian David ... Petitioner

Vs.

1.The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007.

2.The Inspector of Police (Crime)
R2 Kodambakkam Police Station
Chennai.

3.P.Periyasamy

4.Sathish ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 2nd respondent not to conduct any enquiry against the petitioner which is civil in nature, on the complaint submitted by the petitioner on 22.05.2018.

For petitioner Mr.Charles Muthu Santhan

For R1 and R2 Mr.D.Raja

Government Advocate

For R3 and R4 No appearance

ORDER

This writ petition has been filed seeking the following prayer:

"a writ of mandamus directing the 2nd respondent not to conduct any enquiry against the petitioner on the complaint submitted by him on 22.05.2018, which is civil in nature."

2. On a reading of the complaint given by the third respondent, it is seen that he had invested Rs.15 lakhs with the petitioner some time in the year 2012 and it is alleged by the third respondent that the petitioner had promised that he will invest the amount in shares, but had not invested any amount therein.

3. In the opinion of this Court, the complaint does not disclose the commission of a cognizable offence for the police to register an FIR. The transaction between the petitioner and the third respondent is founded on an agreement dated 16.08.2012. Thus, it is open to the third respondent to work out his remedies before the civil forum, if so advised. The petitioner is directed to appear before the respondent police and submit the necessary documents and the respondent police is directed to complete the enquiry expeditiously.

With the above direction, this petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Commissioner of Police
Greater Chennai, Vepery, Chennai 600 007.

2.The Inspector of Police (Crime)
R2 Kodambakkam Police Station ,Chennai.

+3cc to Mr.T.M.Rajangam, Advocate Sr.No.36751

+1cc to Mr.S.Srinivasan, Advocate Sr.No.36795

sm:2.7.2018

W.P.No.14024 of 2018

सत्यमेव जयते

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