



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1394 of 2018

B.Chandra Prabha

... Petitioner

-vs-

1. The State represented by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
(In CSR.No.622 of 2017)

... Respondent Police/
Respondent No.1

2. Indhumathi

... Accused No.1/Respondent No.2

3. Senthil

... Accused No.2/Respondent No.3

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to register a case as against the Accused No.1, Indhumathi and her husband, Accused No.2 Senthil, under Sections 420, 406, 294(b) and 506(i) I.P.C., on the basis of the petitioner's complaint dated 04.12.2017 lodged with the respondent police pending investigation in C.S.R.No.622 of 2017, on his file and also to investigate the same on merits in accordance with law.

For Petitioner : Mr.ADV.R.Krishnamurthy
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the first respondent to register a case, based upon the complaint given by the petitioner dated 04.12.2017.

2.The learned counsel appearing for the petitioner has submitted that the second and third respondents have received a sum of Rs.17,000/- from the petitioner by saying that they will return the amount within a short period. But, thereafter they did not repay the amount . They criminally intimidated the petitioner by using filthy words and hence the petitioner has lodged a



complaint before the first respondent on 04.12.2017. But, so far no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that after receipt of the complaint the C.S.R.No.622 of 2017 has been issued and during the enquiry the third respondent herein has appeared in person and gave an assurance that he will repay a sum of Rs.17,000/- to the petitioner on or before 31.01.2018 and the same has been informed to the petitioner over phone and the petitioner also has agreed for that settlement and accordingly the complaint was closed on 28.12.2017.

4.The learned counsel for the petitioner by way of replay has submitted that as per the assurance given by the third respondent no amount has been paid to the petitioner and hence he requests to direct the first respondent to register a case.

5. Since the first respondent has already closed the complaint, the petitioner is directed to give a fresh complaint. On submission of such complaint, the first respondent has to enquire the complaint and if the enquiry reveals any cognizable offence, then he has to register a case and proceed further in accordance with law.

6.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.KRISHNAMURTHY, ADVOCATE IN SR No. 45889

SSS

TE/SV-MMS/SAR-1 : 05/02/2018 : 2P/4C

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