



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMCRL.O.P.(MD)No.1496 of 2018

National Institute of Siddha
Represented by its
Director Prof.Dr.V.Banumathi,
Tambaram Sanatorium,
Tambaram,
Chennai-600 047.

... Petitioner

-vs-

1.The Commissioner of Police
City Police Office,
Trichy City,
Trichy.

2.The Inspector of Police,
Srirangam Police Station,
Srirangam,
Trichy.

... Respondents

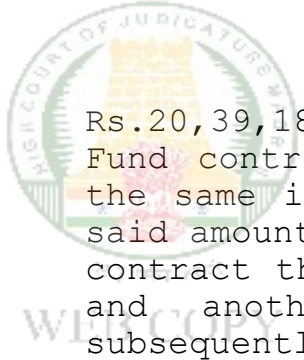
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first and second respondents to register a complaint against Mr.P.Prabhakar, MD of M/s. New Security Force on the basis of complaint dated 31.05.2017 submitted by the petitioner duly investigate the same and prosecute the offenders in accordance with law.

For Petitioner : Mr.Giridhar & Sai
For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the second respondent to register a case, based upon the complaint given by the petitioner dated 31.05.2017.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the Director of National Institute of Siddha and it is an autonomous body working under the control of Ministry of Ayush, Government of India. He further submitted that the petitioner outsourced some of the staff from the M/s.New Security Force in which one P.Prabhakar, was the Managing Director. He further submitted that the petitioner has paid a sum of



Rs.20,39,183 to the said P.Prabhakar towards Employees Provident Fund contribution, but the said P.Prabhakar instead of depositing the same in the employee's E.P.account, he has misappropriated the said amount. He further submitted that at the time of entering into contract the said P.Prabhakar gave a fixed deposit of Rs.7,99,396/- and another Rs.7,35,268/- towards Security deposit. But, subsequently, the said P.Prabhakar has forged the signature of the petitioner and encashed the aforesaid FDRs in collusion with the bank officials. Hence, the petitioner gave a complaint before the second respondent on 25.01.2017, but, so far no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that after receipt of the complaint an enquiry has been conducted by the Assistant Commissioner of Police, Crime, Srirangam and during the said enquiry, the said P.Prabhakar, gave an undertaking that he will settle the amount within three months and based on the said undertaking, the complaint was closed.

4.The petitioner, is the Institute, which is running under the control of Ministry of Ayish, Government of India. The allegations against the proposed accused is that he has misappropriated the Employees Provident Fund of Rs.20,39,183 and also forged the signature of the Director of the petitioner Institute and encashed the FD for Rs.7,99,396/- and thereby cheated the National Institute, which is Central Government undertaking. Without taking into consideration of the aforesaid facts and seriousness of the allegations, it seems that the Assistant Commissioner of Police has casually closed the complaint. Hence, the Assistant Commissioner of Police, Crime, Srirangam is directed to enquire the matter in a diligent manner and if the complaint reveals any cognizable offence, then he has to register a case and proceed further in accordance with law within fifteen days.

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Commissioner of Police City Police Office,
Trichy City, Trichy.
 - 2.The Inspector of Police, Srirangam Police Station,
Srirangam, Trichy.
 - 3.The Assistant Commissioner of Police, Crime, Srirangam, Trichy
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +One cc to M/s.Grishar and Sai, Advocate, SR.No.45608

SSS

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RL/6C/21/SV/MMS/SAR4/23/2/2018

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