



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1787 of 2018

V.S.Vellaisamy

... Petitioner

-vs-

1.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai, Madurai District.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, directing the first respondent to register a case on the basis of the complaint given by the petitioner dated 31.01.2018.

For Petitioner : Mr.S.M.A.Jinnah

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 on the complaint given by the petitioner, dated 31.01.2018.

2.The learned counsel appearing for the petitioner has submitted that the proposed accused has stolen the petitioner's cheque and filled up for a sum of Rs.6 lakhs and presented the same for encashment. Fortunately, the said cheque was returned on the ground that no sufficient fund available in the petitioner's account. He further submitted that the proposed accused has issued notice through advocate on 02.01.2016 and for that the petitioner gave a suitable reply, hence, the petitioner has lodged a complaint before the second respondent on 30.01.2018, but, so far no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted <https://hservices.ecourtts.gov.in/hservices/> that the enquiry is still pending.



4. From the averments made in the petition, it is seen that the proposed accused has presented the cheque for encashment on 28.12.2015, and notice was also issued on 02.01.2016, and that being so, if really the cheque was stolen in the year 2014, the petitioner should have lodged a complaint immediately after receipt of the notice from the proposed accused, but only after two years, the petitioner has lodged a complaint before the second respondent. Hence, the second respondent is directed to expedite the enquiry and if the enquiry reveals any cognizable offence, then he has to register a case and proceed further in accordance with law. If the enquiry reveals that there is no truth in the said complaint, then he has to refer the matter. The aforesaid exercise shall be completed within a week from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai, Madurai District.
2. The Inspector of Police,
S.S. Colony Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P. (MD) No.1787 of 2018

06.02.2018

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