



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1979 of 2018

V.Sathish Kumar

... Petitioner

-vs-

1.The Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

... Respondents

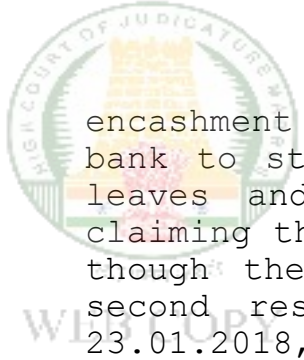
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent herein to register the F.I.R, on the basis of petitioner's complaint dated on 23.01.2018, made before the first respondent.

For Petitioner : Mr.J.Jeyakumaran
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 23.01.2018.

2.The learned counsel appearing for the petitioner has submitted that the petitioner has misplaced his cheque leaves on 02.12.2017 and hence, he immediately requested the bank to stop payments and also effected paper publication and also lodged a complaint before the second respondent on 04.01.2018. He further submitted that in the mean while, one Silus has issued a notice dated 30.12.2017 as the petitioner has received Rs.13,00,000/- and issued a cheque for Rs.13,00,000/- in favour of him. Likewise one Pythalues has issued a notice stating that the petitioner has received a sum of Rs.13 lakhs and issued a cheque in favour of him and also Harichandran has issued a notice stating that the petitioner has received Rs.5 lakhs from him and issued a cheque to discharge the said amount. He further submitted that the aforesaid persons have stolen the petitioner's cheque leaves and they have filled up the said cheque leaves and presented before the bank for



encashment and since already the petitioner has issued notice to the bank to stop payments, the bank has returned the aforesaid cheque leaves and thereafter the aforesaid persons have issued notice claiming the total amount of Rs.56 lakhs. He further submitted that though the petitioner has lodged a complaint on 04.01.2018, the second respondent has not taken any steps and hence again on 23.01.2018, he has lodged another complaint and on that complaint also no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that the issue is between the brothers and sisters and the enquiry with regard to the complaint sent by the petitioner is still pending.

4.Considering the aforesaid submissions, 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. In case, the enquiry reveals only a civil dispute or non cognizable offence, then the second respondent has to direct the parties to approach the concerned Court and get appropriate remedy.

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

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1CC TO Mr.J.Jeyakumaran, Advocate, Sr No.47603

CRL.O.P.(MD)No.1979 of 2018
09.02.2018

Sss

MS/SKN-RSK/SAR-4/14.03.2018/2P.5C