



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

CRL.OP.(MD) No.14615 of 2017

RM.Rajaji

... Petitioner

Vs.

The Inspector of Police,
North Police Station,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to register a case against first and second proposed accused persons for offences punishable under Sections 417, 420 and 506(i) I.P.C. on the basis of complaint dated 19.08.2017.

For Petitioner : Mr.K.Malaimaran

For Respondent : Mr.K.Anbarasan
Government Advocate (Crl.side)

ORDER

The Criminal Original Petition has been filed by the petitioner seeking a direction to register the case based on the complaint given by the petitioner dated 19.08.2017.

2.Heard, Mr.K.Malaimaran, learned counsel for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.side), who takes notice for the respondent.

3.The learned counsel for the petitioner submitted that one Jaber Ali and his wife Aayisha gave a false promise to the petitioner stating that they will send the petitioner to the foreign countries for the job and received a sum of Rs.1,22,000/- (Rupees One Lakh Twenty Two Thousand only). He further submitted that the said amount was deposited by the petitioner on various dates in the bank. He further submitted that the police without making proper enquiry, has closed the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Crl.side) has submitted



that after receipt of the said complaint, the police has enquired and found that the said Jaber Ali is at Nepal. He further submitted that the police contacted the wife of the said Jaber Ali over the phone and since the wife of the Jaber Ali gave an assurance that they will settle the amount within 11 months, the complaint has been closed.

5. Once, the police got evidence that the accused committed cognizable offence, they have to register the case and investigate and file a charge sheet. In this case, they have contacted one of the accused persons over phone and merely on the assurance given by the said accused, they have closed the case. Since one of the accused admitted the offence before the police, the police should have registered the case, but they have closed the complaint. The conduct of the police is not appreciable. Hence, the respondent police is directed to register a case and investigate the matter in accordance with law and file a final report.

6. With the above directions, this criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
North Police Station,
Karaikudi,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.K.Malaimaran , Advocate in SR No. 40173

gsp/rmk
AE/MR/SAR4/22.01.2018/2P/4C

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