



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

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

CRL.O.P (MD) No.17589 of 2017

WEB COPY

S.Ganesan

... Petitioner

Vs.

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

2. The Inspector of Police,
West Police Station,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register a case based on the complaint given by the petitioner to the first respondent on 04.12.2017 which is now pending before the second respondent and investigate the same within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For R-1 and R-2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate
(Criminal Side)

O R D E R

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

2.The learned counsel for the petitioner has submitted that the proposed accused persons have received a sum of Rs.1,88,00,000/- (Rupees One Crore and Eighty Eight Lakhs only) from the petitioner by giving false promise that he will return with triple the amount, but subsequently he did not repay any amount. In spite of repeated demands, the said accused persons have issued cheque leaves and when the said cheques, presented for encashment, they were returned as "Funds Insufficient". Hence, the petitioner has lodged a complaint before the second respondent on 04.12.2017, but, so far no action has been taken.



3.The learned Government Advocate (Criminal Side) has submitted that the enquiry is still pending.

4. Considering the aforesaid submissions, the second respondent is directed to enquire the matter 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 that it is only a money transaction, he may direct the petitioner to file a private complaint under Section 138 of the Negotiable Instruments Act.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar, Virudhunagar District.
2. The Inspector of Police,
West Police Station,
Virudhunagar, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Ananth C.Rajesh, Advocate Sr.No.47396

LS

VB/CVC/SAR4/09/03/2018/2P/5C

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