

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20138 of 2019

R.Akilan

.. Petitioner

-Vs-

1.The Inspector of Police (Crime),
R-3, Ashok Nagar Police Station,
Chennai.
Crime No.Not Known of 2019

2.P.Sundaresan ..Respondents
(2nd respondent is impleaded as per
the order of this Hon'ble Court dated
19.08.2019 made in Crl.M.P.No.11469/2019
in Crl.O.P.No.20138/2019)

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition imposed in Crl.M.P.No.13231 of 2019 dated 17.07.2019 order passed by learned Principal Sessions Judge, Chennai, condition imposed (b) petitioner shall also deposit a sum of Rs.55,000/- before the learned XVII Metropolitan Magistrate Court, Chennai.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

Mr.N.Muthukrishnan (for R2)

ORDER

This petition has been filed to modify the condition imposed in Crl.M.P.No.13231 of 2019 dated ,17.07.2019 order passed by learned Principal Sessions Judge, Chennai. As per condition (b), petitioner shall deposit a sum of Rs.55,000/- before the learned XVII Metropolitan Magistrate Court, Chennai.

2.This Court passed the following orders on 30.07.2019:

"Today, when the matter is taken up for hearing,
the learned Additional Public Prosecutor appearing

for the respondent Police submitted that the petition enquiry is pending against the petitioner.

2.The learned Counsel for the petitioner submitted that the respondent police is harassing the petitioner under the guise of enquiry.

3.Considering the facts and circumstances, the respondent police is directed to conduct the enquiry and if any prima facie case is made out against the petitioner, register the F.I.R or close the petition enquiry within a period of two weeks from today and report before this Court on 13.08.2019. The parties are directed to co-operate for the enquiry.

4.Post the matter on 13.08.2019 for reporting compliance. Till then, the petitioner shall not be arrested by the respondent police."

3.The learned Additional Public Prosecutor on instructions submitted that based on the complaint given by the defacto complainant, CSR was issued by the 1st respondent police in CSR.No.445 of 2019. Enquiry was conducted and the same was closed on 06.07.2019.

4.The learned counsel appearing on behalf of the defacto complainant submitted that the accused persons are involved in cheating a large body of persons by collecting money in the name of investments in a property for an organisation in the name and style of "Chennai RR Property Bazaar Private Limited". The learned counsel further submitted that the police without conducting a proper enquiry as against the complaint are hand in glove with the accused persons. The learned counsel submitted that since it involved the interest of several depositors, a proper enquiry has to be conducted in this case and an FIR has to be registered and an investigation has to be conducted.

5.In view of the limited relief that has been sought for in the Criminal Original Petition, this Criminal Original Petition has to be closed based on the submissions made by the learned Additional Public Prosecutor appearing for the respondent police. If the defacto complainant is aggrieved by the inaction on the part of the police in not investigating the case and in closing the complaint in a hasty manner, the defacto complainant has to necessarily work out his remedy independently in accordance with law by filing a separate petition and he cannot agitate the same in this petition. Such liberty is also granted to the defacto complainant.

6.In view of the above, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Chennai.
2. The XVII Metropolitan Magistrate,
Chennai.
3. The Inspector of Police (Crime),
R-3, Ashok Nagar Police Station, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Muthukrishnan, Advocate, SR.No.70630

CRL.O.P.No.20138 of 2019

Kak(21/08/2019)