

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.24456 of 2014
and Crl.M.P.No.7049 of 2016

A & A International Trading Pvt. Ltd.,
rep. by its Managing Director,
M.Saikumar,
Registered Office at
No.6-5/140, 5th Block,
Kaviarasu Kannadasan Nagar,
Kodungaiyur,
Chennai 600 118. Petitioner

-Vs-

State By:
Inspector of Police,
City Crime Branch (CCB),
City Police Office Campus,
Hosur Road, Gopalapuram,
Coimbatore-641 018. Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent to register the case on the complaint dated 07.05.2014 pending on the file of the Inspector of Police, City Crime Branch (CCB), City Police Office Campus, Hosur Road, Gopalapuram, Coimbatore 641 018.

For Petitioner: Mr.K.R.Ramesh Kumar
For Respondent: Mr.R.Ravichandran
Government Advocate (Crl.side)

O R D E R

The petitioner gave a complaint to the respondent Police on 07.05.2014 as against M/s.Hi Tech Mineral Industries (Covai) Pvt. Ltd., Coimbatore. Since, the respondent Police has not registered the complaint, the petitioner has come up with the present petition under Section 482 Cr.P.C. seeking directions of this Court to register the complaint and to investigate the matter.

2.The learned counsel for the petitioner submitted that though the complaint was made as early as on 07.05.2014, no opportunity was given to the petitioner and no enquiry was made on the complaint. Since the respondent refused to register the complaint, the present petition has been filed.

3.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the respondent tried to contact the petitioner through phone and also went directly, but they could not serve the summons to the petitioner. Therefore, the complaint itself was closed for "non-cooperation of the petitioner himself". The learned Government Advocate would further submit that since the dispute is civil in nature, there is no need to register a case. Therefore, the petition is required to be dismissed.

4.Heard the learned counsels on either side and perused the records.

5.From the submission made by the learned Government Advocate (Crl.side) that the respondent Police tried to contact the petitioner through phone and also went directly, but they could not serve the summons to the petitioner and that the petitioner has not co-operated, which itself shows that the summon was not served to him. After filing this petition by the petitioner, the respondent Police has filed the report stating that due to non-cooperation of the petitioner, they could not proceed further in this case and therefore closed the complaint. This shows that the respondent has no occasion to see the documents of the petitioner.

6.To meet the ends of justice and in order to give an opportunity to the petitioner, this Criminal Original Petition is allowed. The respondent Police is directed to register the complaint dated 07.05.2014 and to investigate the matter and file a charge sheet before the jurisdictional Magistrate, within a period of two months from the date of receipt of a copy of this order. The petitioner is hereby directed to give his fullest cooperation for the investigation of the respondent.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

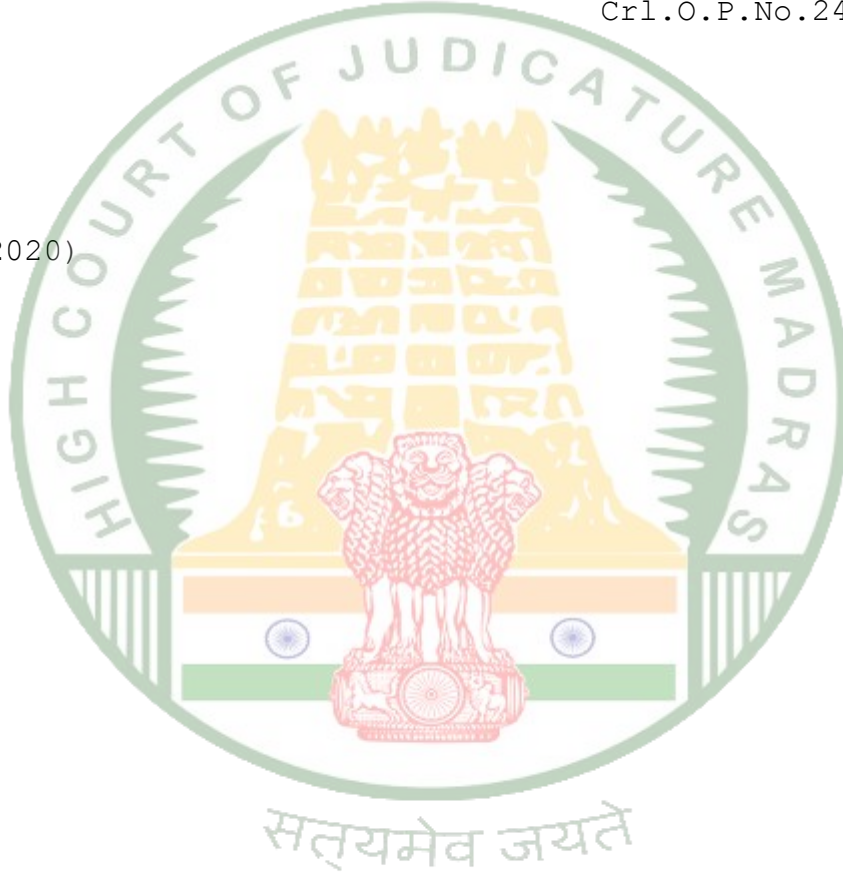
The Inspector of Police,
City Crime Branch (CCB),
City Police Office Campus,
Hosur Road, Gopalapuram,
Coimbatore-641 018.

+1 CC to Mr.K.R.Ramesh Kumar, Advocate sr 14453.

+1 CC to Mr.D. Shiva Kumaran, Advocate sr 14176.

Crl.O.P.No.24456 of 2014

RR(CO)
SP(16/09/2020)



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