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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.35484 of 2019

Mr.Hong Sa Woong
S/o.Mr.Hong
Managing Director of
M/s Glory Industrial Construction Private Limited,
having office at old No. 319, New No. 2/49,
2nd Floor, Mount Poonamallee High road,
Kattupakkam,
Chennai - 600 056.
Petitioner

...

-Vs-

1.The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2. The Commissioner of Police,
Vepery, Chennai.

3. Mr.Vijayan
Sub Inspector of Police,
T12, Ponamallee Police Station.

4. Mr.Settu
Sub Inspector of Police,
T12, Ponamallee Police Station.

5. Mr.Chandrakasu Dharmalingam
Director M/s Kepl Engineering Pvt Ltd,
No.11, West Club Road,
Shenoy Nagar, Chennai - 600 030.

6. Mr.Vasu
Civil Engineer of KEPL,
No.11, West Club Road,
Shenoy Nagar,
Chennai - 600 030.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 herein to conduct the enquiry and take action against the respondents 3 to 6 pursuant to the complaint lodged by the petitioner on 08.11.2019.



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For Petitioner : Mr.T.R.Prabhakaran
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2
Mr.P.Govindarajan
for R5.

ORDER

The writ petition has been filed for direction, directing the respondents 1 & 2 to conduct an enquiry on the complaint dated 08.11.2019 against the respondents 3 to 6 herein.

2. The learned counsel for the petitioner submitted that the petitioner is a Korean National. He allotted some work to the 5th respondent and in this regard. There was a dispute in payment of money. In this regard, the 5th respondent herein lodged a complaint before the Civil Court and it was enquired and subsequently closed as civil in nature. Even thereafter, the 5th respondent again approached the third respondent under the guise of threatening and the petitioner was taken to the Police Station. In this regard, the petitioner lodged a complaint and same is pending on the file of the first and second respondents herein.

3. Per contra, the learned counsel for the 5th respondent submitted that the work allotted by the petitioner has been completed and the petitioner is in due of Rs.5,72,00,000/- so far. Therefore, he lodged a complaint before the 4th respondent and the same is acquired and subsequently closed as civil in nature.

4. The learned Public Prosecutor would submit that Rs.4,000/- is received on the complaint before the 5th respondent and after conducting detailed enquiry, the parties are directed to approach the concerned Civil Court. Subsequent to that, the petitioner lodged a complaint before the second respondent herein and the same has been forwarded to the Assistant Commissioner of Police, Ponamallee. Therefore, the Assistant Commissioner of Police conducted a detailed enquiry and the same was closed as civil in nature.

5. Admittedly there is a dispute between the petitioner and the 5th respondent herein in respect of allotment of work and payment. In this regard, the 5th respondent lodged a complaint before the 4th respondent and the same was closed as civil in nature. According to the petitioner, he has been illegally extorted amount to the tune of Rs.70,00,000/-.

6. On perusal of the records, the said amount has been transferred from the account of the petitioner to the 5th respondent. Further, after a period of four weeks the petitioner lodged a complaint with the allegation that he was threatened by the police and his money was also extorted.



However, the said complaint was enquired by the Assistant Commissioner of Police, Ponamallee and closed as civil in nature. Therefore, no direction can be given to the respondents 1 & 2, in this regard. However, the petitioner is at liberty to file a private complaint on the closure report submitted by the Assistant Commissioner of Police, Ponamallee.

7. With the above observations, this Criminal Original Petition stands disposed of.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Director General of Police
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2. The Commissioner of Police,
Vepery, Chennai.

3. The Sub Inspector of Police,
T12, Ponamallee Police Station.

4. The Sub Inspector of Police,
T12, Ponamallee Police Station.

5. The Assistant Commissioner
of Police,
Ponamallee.

+1 cc to Mr. P. Govindarajan, Advocate, sr. 23744.

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krd 15/7

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