



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14270 of 2020

WEB COPY

Vivekanandan

... Petitioner

vs.

1)The District Crime Branch,
The District Crime Branch Office,
Thanjavur District,
Thanjavur.

2)The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District,
Thanjavur.

3)Mohamed Sheikh Abdullah

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to interfere with the civil dispute between the petitioners and the 3rd respondent.

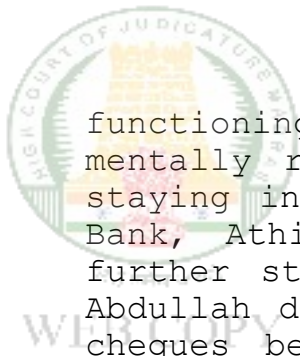
For Petitioner	: Ms.K.Mahalakshmi
For R1 and R2	: Mr.V.Neelakandan
	Additional Public Prosecutor
For R3	: Mr.R.Karunanidhi

ORDER

This petition has been filed to direct the 2nd respondent not to interfere with the civil dispute between the petitioners and the 3rd respondent.

2.The learned counsel for the petitioner would state that one Late.Sheikh Abdullah while was the Secretary of the Oxford Trust, borrowed Rs.5,00,000/- from one Abba Kannu on 16.12.2019 and gave two cheque leaf in the name of Oxford Trust. The petitioner is the relative of Abba Kannu. While so, the said Sheikh Abdullah died on 30.08.2020 and after his death, the 3rd respondent who is the relative of Late.Sheikh Abdullah took charge of the Secretary of Oxford Trust. Thereafter, on 24.09.2020, the said Abba Kannu deposited the above cheques in the Indian Bank, Athiramapattinam Branch, in the name of the account holder Mr.Karunakaran on 24.09.2020 and received Rs.5,00,000/-. The 3rd respondent contending that the petitioner had stolen the above cheque from the 3rd respondent's office, filed a complaint against him before the 2nd respondent/police and the respondent/police under the guise of enquiry, is harassing the petitioner. Hence, this petition.

3.The 3rd respondent has filed counter and the learned counsel for the 3rd respondent would state that the 3rd respondent is



functioning as the President of the Oxford Trust which is a home for mentally retarded children and 21 mentally retarded children are staying in the said home and the Trust has account in the Indian Bank, Athirampattinam Branch, vide A/c.No.907251456. He would further state that the Secretary of the said Trust namely, Sheik Abdullah died on 30.08.2020 and before his death, he had signed 6 cheques bearing Nos.652530 to 652535 for urgent transactions of money in the Trust and he never gave two cheques to the said Abba Kannu as alleged by the petitioner. It is the specific case of the 3rd respondent that the petitioner/Vivekanandan, Karunakaran and wife of the 3rd respondent namely, Kalima had conspired together and had stolen two cheques from the 3rd respondent's office table and then approached the Indian Bank Manager, Pattukottai who also conspired with them and passed the cheque without the signature of the President of the Trust and accordingly, the said persons received Rs.4,85,028/- from the Trust's account. Narrating the above, the 3rd respondent gave a complaint to the Superintendent of Police, Thanjavur, on 06.11.2020 and till date, FIR is not registered. According to the 3rd respondent, there is a prima facie case for registration of FIR as per the judgment of the Hon'ble Supreme Court in Lalitha Kumari vs. State of U.P reported in (2014 (2) SCC 1). Thus, he would pray for a direction to the 2nd respondent to register the FIR against the petitioner and others based on the complaint of the 3rd respondent.

4.The learned Additional Public Prosecutor would state that on the complaint of the 3rd respondent, enquiry is pending.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents/police and also the learned counsel for the 3rd respondent/defacto complainant.

6.Considering the above submissions and considering the facts and circumstances of the case, the 2nd respondent/police is directed to conclude the petition enquiry on the complaint of the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. If at the end of the enquiry, it is decided to register any FIR, the petitioner shall be put on notice so that he will have breathing time to move the Court concerned for the relief of anticipatory bail.

7.With this direction, the criminal original petition is disposed of.

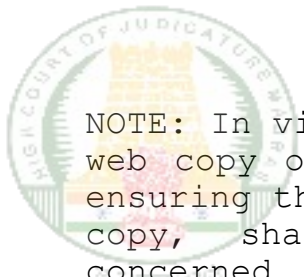
Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1)The District Crime Branch,
The District Crime Branch Office,
Thanjavur District,
Thanjavur.

2)The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District,
Thanjavur.

3)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.14270 of 2020
11.12.2020

KG (CO)
KB (04.01.2021) 3P 4C