



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.2477 of 2018

S.R.Manickam

...Petitioner

Versus

The State of Tamil Nadu represented by
Deputy Superintendent of Police,
E.O.W., Salem.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of the Hon'ble Tamil Nadu Protection of Interest of Depositors Court at Coimbatore dated 10.05.2017 consequently direct the respondent police to register the FIR under Section 120 (B), 406, 420 of IPC and Section 5 of Tamil Nadu Protection of Interest of depositors Act 1997 against the accused.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

O R D E R

The petitioner has filed this petition to set aside the order of the Hon'ble Tamil Nadu Protection of Interest of Depositors Court at Coimbatore dated 10.05.2017 and consequently direct the respondent police to register the FIR under Section 120 (B), 406, 420 of IPC and Section 5 of Tamil Nadu Protection of Interest of depositors Act 1997 against the accused.

2. The facts of the case is that earlier, the petitioner has filed a petition under Section 156(3) of Cr.P.C before the TNPID Court, alleging that he had made deposit under the scheme of the SAPL Company and prayed to direct the respondent Police to register FIR under Section 120(B), 406, 420 IPC and Section 5 of the Tamil Nadu Protection of Interests of Depositors Act, 1997 and the said amount has not been paid back to him. The said petition before the Trial Court was dismissed on the ground that on the very same issue, the respondent had initiated investigation, based on the complaint of the other depositors and proceeded to enquire about the truth. The



petitioner, without approaching the police official concerned and joining with the complaints of the depositors, straight away approached the Trial Court by filing the present petition under Section 156(3) Cr.P.C, was not maintainable and challenging the dismissal order, the present petition is filed.

3. The learned counsel appearing for the petitioner would submit that there is no proof to show that he initially approached the law enforcing agency without any particulars. Earlier he made a complaint before the police officials concerned and since no action or whatsoever has taken and further that his complaint has not been registered, he approached the Trial Court and hence prays for appropriate direction.

4. The learned Government Advocate (Crl.Side) would submit that without approaching the law enforcing agency, who were investigating the case, directly approaching the Trial Court and filed a petition under Section 156(3), is not sustainable under law and the investigation is completed and a Charge Sheet is filed in C.C.NO.2 of 2019 before the TNPID Court, Coimbatore and hence, the petitioner may appear before the law enforcing agency for enquiry.

5. Considering the facts and circumstances of the case, this Court is of the view that it is not in dispute that the petitioner has already filed Crl.O.P.No.17307 of 2017 and this Court vide order dated 04.09.2017 dismissed the Original Petition as infructuous by stating that a complaint has already been registered in Cr.No.4 of 2018 under Section 5 of Tamil Nadu Protection of Interest of Depositors Act, 1997. However the petitioner has once again without approaching the law enforcing agency, directly filing petition under Section 482 Cr.P.C, is not an acceptable one. Hence the prayer sought for in this Criminal Original Petition cannot be granted.

6. This Criminal Original Petition is dismissed accordingly. However, the petitioner is granted liberty to file an appropriate petition before the Trial Court and if any such petition is filed, the Trial Court may consider and pass appropriate orders.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The TNPID Court, Coimbatore.

2.The Deputy Superintendent of Police,
State of Tamil Nadu,
E.O.W., Salem.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Saravanan, Advocate, S.R.No.34778

RN(23/03/2022)

CRL.O.P.No.2477 of 2018

PCH(CO)
B.VC(15.07.2021)