



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10637 of 2021

B.Vijaya

... Petitioner

Versus

1.State By

Superintendent of Police
District Police Office
Krishnagiri District.

2.State By

Deputy Superintendent of Police
District Crime Branch
District Police Office
Krishnagiri District.

3.State By

Inspector of Police
Bargur Police Station
Krishnagiri District.

... Respondents1 to 3

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent viz., Deputy Superintendent of Police, District Crime Branch, District Police Office, Krishnagiri District to register the case viz., complaint dated 24.05.2021 and to investigate.

For Petitioner : Mr.K.R.Ramesh Kumar

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

ORDER

This petition has been filed to direct the second respondent viz., Deputy Superintendent of Police, District Crime Branch, District Police Office, Krishnagiri District to register the case based on her complaint dated 24.05.2021 and to investigate the same.

2. The petitioner had lodged a complaint to the respondent police on 24.05.2021 and thereafter, no action



taken. The crux of the complaint is that one Mrs. Shanthi had taken petrol bunk dealership from Hindustan Petroleum Corporation Ltd., and running a Petrol Bunk in the name of V.S. Vikram Fuels at Kanthikuppam Village on the National High Ways, Krishnagiri District. The said Mrs. Shanthi had financial problem to run the Petrol Bunk and hence, the petitioner purchased the business for a period of three years. Further, the said Mrs. Shanthi had promised that if any problem arises including from Hindustan Petroleum, she will sort out the same. Believing the same, the petitioner had borrowed and paid Rs.1,42,50,000/- and a lease agreement was entered between them for the period of three years from 06.08.2018 to 05.08.2021.

3. The contention of the petitioner is that there was lot of pressure and disturbances from the said Mrs. Shanthi during the lease period and the said petrol bunk was not allowed to run properly by her. Hence, the Petrol Bunk was taken over by the Hindustan Petroleum Corporation Ltd., itself. Therefore, the petitioner made several requests to Mrs. Shanthi to repay the lease amount of Rs.1,42,50,000/-, but she failed to repay the same.

4. The learned Government Advocate (Crl.Side) has submitted that the complaint of the petitioner was forwarded to the first respondent/Superintendent of Police along with current papers in C.No.3/DCB/DABA/AGI/2021 on 25.05.2021. Based on the complaint, enquiry was conducted on 22.06.2021. The petitioner as well as the counter petitioner appeared before the second respondent/Deputy Superintendent of Police and they produced documents and gave explanation. On enquiry, it was found that this case is of civil in nature, and hence, the petitioner to approach the Civil Court and the complaint was closed.

5. The learned counsel for the petitioner further submitted that the petitioner had appeared before the Enquiry Officer and submitted documents, gave explanation for her complaint, despite cognizable offence made out, no action taken. Further, the closure of the complaint not informed to the petitioner, so that the petitioner can file her protest.

6. In view of the same, the second respondent is directed to furnish a copy of the closure report to the petitioner, so that the petitioner to file her protest and to work out her remedy in the manner known to law.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar



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To

WEB COPY

1.The Superintendent of Police
District Police Office
Krishnagiri District.

2.The Deputy Superintendent of Police
District Crime Branch
District Police Office
Krishnagiri District.

3.The Inspector of Police
Bargur Police Station
Krishnagiri District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Ramesh Kumar , Advocate SR.No. 30335

CRL.O.P.No.10637 of 2021

sky(CO)

A.SK(02.08.2021)