



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14209 of 2021

V.Murugan

...Petitioner

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Tiruvallur District.

2. The Inspector of Police,
Manavalanagar Police Station,
Manavalanagar Taluk,
Tiruvallur District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the second respondent to register FIR on the petitioner's complaint dated 21.06.2021 and to investigate the same.

For Petitioner : Mr.M.Mohamed Riyaz

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

ORDER

This criminal original petition has been filed seeking to register FIR on the petitioner's complaint dated 21.06.2021 and to investigate the same.

2.The contention of the learned counsel for the petitioner is that the petitioner is the Proprietor of KVP Transport and has owned seven, four wheeler goods vehicle and it was rented out to one M/s.Delivery PVT Ltd.,. Since the petitioner is uneducated, he had taken the aid of one Devaraj Auditor and believing him, he had handed over all the account and Email communication with regard to the business transactions.



3. Taking advantage of the same, the said Devaraj sent a mail to M/S. Delivery Pvt Ltd., stating that "considering the tax issues, we are officially transferring KVP Transport" and he changed the Vendor name of KVP Transport as SHIV Transport. Thereafter, all the transactions have been made in the name of SHIV transport and the petitioner, not knowing the same, had transferred several sums of rupees to the said Devaraj in order to remit for GST. Later, he received a notice from the GST Department that the GST amount has not been paid to the Centralization department and thereafter, the petitioner, on verification, has shocked and found that the said Devaraj has swindled, misappropriated and cheated around a sum of Rs.15,00,000/-. Hence, a complaint has been lodged in this regard but no action has been taken.

4. The learned Government Advocate (Crl.side) submits that in this case, on the receipt of the complaint of the petitioner, enquiry was conducted by one Kanniappan, the Inspector of Police, Manavalanagar Police Station, on the advice of the Deputy Superintendent of Police, Tiruvallur District. Thereafter, during the enquiry, the petitioner was forced to give an undertaking that he will forgo all his claims against Devaraj and thereafter, he will run the delivery business independently. In this regard, the petitioner has given a letter seeking withdrawal of the complaint and enquiry has been closed.

5. However, the learned counsel for the petitioner further submits that a person, who has suffered a loss of Rs.15,00,000/- and made a complaint would never give any letter seeking withdrawal of the complaint. This is the attitude of the first and second respondents and he has got no faith in the first and second respondents and the manner, in which, they should conduct the investigation further.

6. It is seen from the Email copies that there are transfer of vendors list and various other communications sent by Devaraj in the name of KVP transport thereby, cheating the petitioner. The GST demand notice and the balance bank statement are also produced. In view of the materials produced, it is seen that the petitioner has not given such a letter of withdrawal and the apprehension of the petitioner seems to be real. In view of the same, the complaint and all the enquiry papers, which are available with the second respondent to be forwarded to the Deputy Superintendent of police, District Crime Branch, who shall conduct an independent enquiry and dispose of the complaint of the petitioner in accordance with law.



WEB COPY

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

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Tiruvallur District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Tiruvallur District.
3. The Inspector of Police,
Manavalanagar Police Station,
Manavalanagar Taluk,
Tiruvallur District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Mohamed Riyaz, Advocate Sr.No.413701

CRL.O.P.No.14209 of 2021

NMI [co]
NSK 21/09/2021