



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22158 of 2021

H.Fowjiyathul Hinaya

... Petitioner

Versus

1.The Commissioner of Police,
Greater Chennai Police,
EVK Sampath Road,
Vepery, Chennai - 600 007.

2.The Deputy Commissioner of Police,
Central Crime Branch,
office of the Commissioner of Police,
EVK Sampath Road, Vepery,
Chennai - 600 007.

3.The Inspector of Police,
Central Crime Branch (Team-II),
Office of the Commissioner of Police,
EVK Sampath Road, Vepery,
Chennai - 600 007.

...

Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the 3rd respondent to register a case on the complaint of the petitioner dated 13.10.2021 pending enquiry on the file of the respondents vide C.No.549/CCB/COP/Visitors/2021 dated 13.10.2021.

For Petitioner : Mr. K.Prabakar

For Respondent : Mr.E.Raj Thilak

Additional Public Prosecutor

ORDER

This criminal original petition has been filed to direct the 3rd respondent to register a case on the complaint of the petitioner dated 13.10.2021 pending enquiry on the file of the respondents vide C.No.549/CCB/COP/Visitors/2021 dated 13.10.2021.

2.The petitioner lodged a complaint to the Commissioner of Police on 13.10.2021 and the same had been forwarded to the Sub Inspector of Police, Central Crime Branch, EDF-II, Team IV,



Vepery, Chennai - 600 007. The petitioner was called for enquiry and asked to produce the documents and materials in support of her complaint. The same was submitted, thereafter, no action has been taken. Hence, the above petition.

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3.The learned Additional Public Prosecutor produces the closure report. From the closure report, it is seen that it has been closed for the reason that the transaction has taken place at Kattumannar Kovil in Cuddalore District. Hence, the complaint was closed for want of jurisdiction. Further, the closure report has been informed to the petitioner through her mobile phone (i.e.9952128710).

4.On perusal of the closure report, it is seen that on 21.10.2021, the petitioner was enquired and her statement was recorded. Further, it is seen that the petitioner's family is involved in the Rice Trading Business for the past 25 years at Villupuram District. Thereafter, 18.10.2020, the petitioner started business along with her husband at Sowcarpet in Chennai, in the name of Jothi Rice Tech. In the business, through the petitioner's brother viz., Ibrahimsha, one Riyaz Ahamed and his son came into contact and claimed that they are running whole sale rice business and at their request, from 21.12.2020 to 21.08.2021, various brands of rice weighing 1250 tonnes were supplied under proper invoice to the tune of Rs.5crores. Part of the amounts has been paid till 21.07.2021 on various dates through RTGS and the balance amount of Rs.61,53,000/- is due. From the records as well as from the closure report, these factors have been recorded and misappropriation to the tune of Rs.61,53,000/- on the face of it appears to be committed. Further, Sub Inspector of Police closed the complaint for want of jurisdiction and the representation dated 13.10.2021 is not proper. As per Section 177 Cr.P.C., the part of the offence has been committed within the jurisdiction of the respondent police.

5.In view of the same, Sub Inspector of Police, Central Crime Branch, EDF-II, Team- IV, Vepery, Chennai - 600 007 is directed to register an FIR and proceed with the investigation and transferring the complaint is not proper. Accordingly, the criminal original petition is disposed of.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

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