



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.02.2022

PRONOUNCED ON : 12.04.2022

CORAM

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.1363 of 2022

Silver Touch India,
Rep.by its Prop. Siva Kumar Nair, ... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
132, EVK Sampath Road,
Vepery, Chennai - 7.

2.The Commissioner of Police,
Greater Chennai Police,
St. Thomas Mount, Chennai - 16.

3.The Deputy Commissioner of Police,
T.Nagar, Chennai - 17

4.The Director,
Directorate of Vigilance and Anti-Corruption,
293, MKN Road, Alandur, Chennai - 16.

5.Amudha,
Inspector of Police,
AWPS, Teynampet, Chennai - 18.

6.Ramesh Kannan,
Sub-Inspector of Police,
R-11, Royal Nagar Police Station,
Ramapuram, Chennai - 89.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the official respondent to take appropriate action on petitioner's complaint dated 10.11.2021 against the 5th and 6th respondent for their act in accordance with law both departmentally and also by the 4th respondent under Prevention of Corruption Act, within the time fixed by this Court.



For Petitioner : Mr. B. Manoharan

For Respondents : Mr. E. Raj Thilak, for R1 to R4
Additional Public Prosecutor

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O R D E R

This petition is filed to direct the respondents to take appropriate action on the petitioner's complaint dated 10.11.2021 against the 5th and 6th respondents, in accordance with law, both departmentally and also by the 4th respondent under Prevention of Corruption Act.

2. Learned counsel for the petitioner submitted that petitioner produced a film "Maranathirkku Pinbu Heaven". That project was commenced in 2016 and is yet to be released. Cameraman Devaraj has not handed over the hard disk of the film for further action. Petitioner invested a huge money for making the film and paid Rs.21 lakhs to Devaraj. Rs.15 lakhs was paid through bank and Rs.6 lakhs was paid by cash to Devaraj's wife Stella along with his brother Solomn. Since the hard disk was not returned, petitioner gave a complaint before Valasaravakkam Police Station. 6th respondent called for an enquiry, in which, Devaraj participated with his advocate. Nothing moved. Petitioner made a complaint against the 6th respondent through online. He approached the Judicial Magistrate, Poonamallee under Section 156(3) Cr.P.C., and thereafter, a case in Crime No.46 of 2020 was registered. Then, 5th respondent called for an enquiry on 02.01.2020. Devaraj sought time till 09.03.2020. Since petitioner paid money to Solomn, he made a complaint to the 5th respondent to include him in the FIR and a case in Crime No.105/2021 was registered. Devaraj's wife got anticipatory bail before this Court. Devaraj appeared before this Court on 19.02.2021 and admitted the receipt of money. Respondents 5 and 6 not interested in investigating the case and they planned to close the case by receiving Rs.4,50,000/-. That is Rs.3 lakhs to the petitioner and Rs.1,50,000/- to them. They took his signatures for acknowledging the receipt of money but till date, they have not paid the money. Petitioner made a complaint against respondents 5 and 6 to the respondents 1 to 4, by his representation dated 10.11.2021. Till date nothing was done on his complaint and therefore, this petition.

3. Learned counsel for the petitioner submitted that the respondents 5 and 6 in colluding with his opponents have not taken any steps to properly investigate the criminal cases registered on the basis of his complaint. On the other hand, in a complaint given by Solomn, petitioner is also shown as one of the accused. In support of his submission, the petitioner



Accused in this case have beaten him and threatened to kill. Petitioner said to have told Solomn that his brother Devaraj has to pay Rs.21 lakhs. If that amount is not paid he would file false case. Left with no option, Solomn arranged Rs.4,50,000/- and he paid to the accused. On the basis of this complaint, FIR was registered in Crime No.319 of 2021 on the file of Thiruchendur Police Station for the offences under Sections 109, 120b, 294(b), 323, 341, 342, 357, 364A, 365, 383 & 506(ii) IPC against petitioner and others.

8. It is contended by the learned counsel for the petitioner that petitioner had no reason to abduct Solomn and the case given by the Solomn and registered in Crime No.319 of 2021 is a false case.

9. A perusal of the aforesaid documents shows that there are complaints and counter complaints with regard to non production of hard disk by cameraman Devaraj. Petitioner had already given two complaints one against Devaraj and his wife and another complaint against his brother Soloman. Soloman, in turn, had given a complaint against the petitioner and respondents 5 and 6. Petitioner alleges that respondents 5 and 6 received money from Solomn and has not paid the money to him. However, documents filed by him shows that he had received Rs.3 lakhs from Solomn. There is already a case registered in Crime No.319 of 2021 on the complaint given by Solomn against petitioner and respondents 5 and 6 with regard to the payment of Rs.4,50,000/-, by Solomn. The allegations made in this petition are covered in the complaint in Crime No.319/2021. R5 and R6 are also accused in this case. It is not necessary to take separate action on the petitioner's complaint dated 10.11.2021.

10. In this view of the matter, this petition is dismissed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

AT

To

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+1cc to Mr.B. Manoharan, Advocate SR.No.25597

W.P.No.1363 of 2022

SKM(CO)
GMY(28/04/2022)