



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4370 OF 2022

Santosh Barbade

... Petitioner

.Vs.

1. The Additional Commissioner of Police, (CCB),
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
Central Crime Branch -II,
EDF -III, Greater Chennai Police,
Vepery, Chennai - 600 007.

... Respondents

PRAYER:-

The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to set aside the proceeding of the 2nd respondent bearing No.265/DCCCB-II/ACOP/2021 dated 02.11.2021 and to reopen the case.

For Petitioner : Mr.K.M.Mohamed Ziauddin

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to set aside the proceeding of the 2nd respondent bearing No.265/DCCCB-II/ACOP/2021 dated 02.11.2021 and to reopen the case.

2. The case of the petitioner is that he is the Proprietor of Rajaratna Trading Company, Pune and is doing whole sale Onion business, regularly supplying onion to many wholesale traders in Koyambedu Market. During June 2020, he had supplied onions to one Mani, who had represented himself as the proprietor of Murugan Traders. Believing his representation, the petitioner



had regularly sent onions from 05.07.2020 to 28.12.2020. So far, he had sent 194 loads. The said Mani was not in a habit of sending the bills in time and he used to send the bills to the petitioner once in four months. While So, on verifying the bills, the petitioner had found that the price were manipulated. Thereby, Mani had cheated the petitioner to the tune of Rs.13,76,66,650/-. The petitioner had given a complaint to the 2nd Respondent on 17.03.2021, whereas, the respondent police had not conducted proper enquiry, had closed the enquiry vide proceeding bearing No.265/DC CCB-II/ACOP/2021 dated 02.11.2021. Challenging the same, the present petition has been filed.

3. Learned counsel for the petitioner would submit that investigation has not been done in a proper manner. The respondent had closed the case, without conducting preliminary enquiry and closure of the enquiry is illegal.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, would submit that preliminary enquiry was conducted, since the matter is related to supply of goods, they have closed the enquiry vide proceeding bearing No.265/DC CCB-II/ACOP/2021 dated 02.11.2021.

5. In view of the above, if the petitioner is aggrieved by the closure report, the petitioner is entitled to proceed in accordance with law before the appropriate forum.

6. With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Additional Commissioner of Police, (CCB)
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
Central Crime Branch -II, EDF -III,
Greater Chennai Police,
Vepery, Chennai - 600 007.



3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.M.Mohamed Ziauddin, Advocate, S.R.No.12938

WEB COPY

CRL.O.P.NO.4370 OF 2022

NRL (CO)
PBS/16/03/2022