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Crl.O.P.No.11389 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HON'BLE MS. JUSTICE R.N.MANJULA

Crl.O.P.No.11389 of 2021

M/s.Team Leader Logistics Pvt. Ltd.,
represented by Mr.S.Vinothkumar
Business Development Manager.

... Petitioner /complainant

Vs.

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

2.The Superintendent of Police,
Tuticorin District,
Tamil Nadu-628 101.

3.The Inspector of Police,
Central Crime Branch,
Team-II, EDF-I
Vepery,
Chennai 600 007.

... Respondents

Prayer:- This Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and set aside the order passed by the 3rd
respondent dated 05.05.2021 and pass appropriate order/direction(s) to the
respondents.



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For Petitioner : Mr.M.Krishnamoorthy

For Respondents : Mr.D.Damodaran,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been preferred challenging the order of the third respondent dated 05.05.2021 wherein the complaint made by the petitioner against one M/S.GPR Resources Private Limited and other companies was forwarded to the Superintendent of Police, Tuticorin namely the second respondent herein on the point of jurisdiction.

2. The petitioner, which is a shipping and forwarding agent, used to book shipments through various export and import companies to various parts of the world. The allegation of the petitioner is that M/S.GPR Resources Private Limited was engaged by them on several occasions totally for 18 shipments on payment of requisite charges; despite M/S.GPR Resources Private Limited and other similar such companies had received the requisite charges from the petitioner, they did not export the goods as per the Bills of lading given to the petitioner; and since all the paper works with regard to the shipments are being done at Chennai and the corporate office of M/S.GPR Resources Private Limited is also situated in Chennai, the third respondent police ought not to have



forwarded the complaint to the second respondent on the ground of jurisdiction.

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3. On a perusal of the impugned proceedings of the third respondent, it is seen that he had forwarded the complaint to the second respondent only because of the fact that M/S.GPR Resources Private Limited is functioning at Tuticorin and its import and export transactions are all being done at Tuticorin Port. It was further observed by the third respondent that all the consignment transactions were done through the bank account of M/s.GPR Resources Private Limited maintained maintained at the IDBI Bank, Tuticorin.

4. The learned counsel for the petitioner submitted that the offences done in several areas could be enquired into by anyone of the Station House Officer, who has jurisdiction in either of the areas; even if it is assumed that the territorial jurisdiction of the second respondent cannot be ruled out, it would have been ideal if the third respondent registered the First Information Report and then forwarded the complaint to the Agency whom he thought has jurisdiction.

5. I find some force in the above contention of the learned counsel for the petitioner. Hence, I feel it is appropriate to direct the second respondent to ensure that an FIR is registered by the concerned station House Officer and



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initiate the investigation as early as possible. However, considering the seriousness of the matter, the second respondent should be directed to complete the investigation within a specific time.

In view of the above stated reasons, this Criminal Original Petition is **disposed of** with a direction to the second respondent to complete the investigation as early as possible preferably within a period of three months from the date of receipt of copy of this order.

29.09.2022

Speaking/Non-speaking
Index : Yes/No

RS/jrs



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To

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

2.The Superintendent of Police,
Tuticorin District,
Tamil Nadu-628 101.

3.The Inspector of Police,
Central Crime Branch,
Team-II, EDF-I
Vepery, Chennai 600 007.

4.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

RS/jrs

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