



CrI.O.P.No.30229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30229 of 2022

S.Gopinath

... Petitioner

Vs.

1.The Commissioner of Police,
Veppery,
Chennai.

2.Deputy Commissioner of Police,
Koyambedu
Chennai.

3.The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register the case on the complaint given by the petitioner dated 09.09.2022 and proceed with the investigation in accordance with law.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents to register the case on the complaint given by the petitioner dated 09.09.2022 and proceed with the investigation in accordance with law.

2.The learned counsel for the petitioner submitted that he borrowed a sum of Rs.52,50,000/- from one A.S.Ravi. So far he paid him Rs.1,55,69,000/- in cash and Rs.55,84,000/- through bank transfer. A.S.Ravi collected blank cheques and promissory notes from petitioner as security. A.S.Ravi did not return the un-used cheques and promissory notes even after the receipt of money. Therefore, he filed a complaint against him with the Commissioner of Police, Chennai, on 03.03.2022 and filed a complaint under Section 156 (3) before the learned Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai, and it is pending for enquiry. Meanwhile, A.S.Ravi started misusing the cheque and gave a criminal complaint against the petitioner through one Yashwant, S/o.Vijayakumar. He also apprehends that A.S.Ravi will give police complaints through different persons from different places misusing his cheques available with him. Therefore, this petition for registering the case on the basis of the complaint given by the petitioner.



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3.The learned Government Advocate (Criminal Side) submitted that complaint given by petitioner against A.S.Ravi on 03.03.2022 was closed on 12.04.2022. Thereafter, petitioner filed a complaint under Section 156 (3) before the learned Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai. Again petitioner has given a similar complaint.

4.Considered the facts and circumstances of this case. The allegations made by the petitioner against A.S.Ravi is that A.S.Ravi misusing the cheques given by the petitioner, instituted several criminal cases against petitioner through different persons from different places. In this regard, already complaint under Section 156 (3) is pending for enquiry. Therefore, this Court cannot interfere with the proceedings under Section 156 (3) Cr.P.C.

5.In view of the fact that enquiry is pending, it is directed that if any cognizable offence is made out, the respondent police is bound to register the FIR otherwise they may close the complaint. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.



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Index: Yes/No
Speaking/Non speaking order

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G.CHANDRASEKHARAN.J.,

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To

- 1.The Commissioner of Police,
Veppery,
Chennai.
- 2.Deputy Commissioner of Police,
Koyambedu
Chennai.
- 3.The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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