



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.966 of 2022

T.Samraj

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Economic Offence Wing,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to issue a suitable direction directing the second respondent police to register case on the basis of the order dated 04.09.2021 passed by the learned Judicial Magistrate No.I, Padmanabhapuram in Crl.M.P.No.5521 of 2021 under Section 156(3) of Cr.P.C within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side).

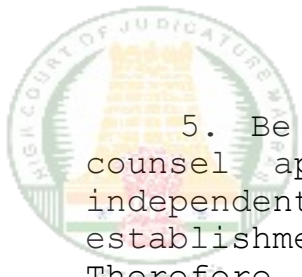
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

2. The petitioner had deposited certain sum of money in a company, by name, Universal Trading Solution, Coimbatore. The financial establishment committed default in the matter of repayment. Therefore, the petitioner filed a petition before the Economic Offence Wing, Nagercoil. Since action was not taken, he filed Crl.M.P.No.5521 of 2021 before the Judicial Magistrate No.I, Padmanabhapuram. Direction was issued under Section 156(3) of Cr.P.C. on 04.09.2021. But no First Information Report was registered. Therefore, this criminal original petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the Hon'ble Principal Seat of this Court is seized of the matter.

4. It appears that a committee has been headed by a retired Hon'ble Judge. It is also stated that it is proposed to appoint another retired Hon'ble Judge.



5. Be that as it may, as rightly pointed out by the learned counsel appearing for the petitioner, each transaction is an independent one. The petitioner is a depositor and the financial establishment committed default in the matter of repayment. Therefore, *prima facie*, the provisions of TNPID Act are attracted.

6. Therefore, the second respondent is directed to register the First Information Report based on the petitioner's complaint. The learned counsel appearing for the petitioner gives an undertaking that the petitioner will not buy peace with the financial establishment and that she would prosecute the case to the end. The second respondent is directed to array the financial establishment and those in charge of it alone as accused. Such a direction is given only for the purpose of expediting the prosecution.

7. This criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate No.I, Padmanabhapuram
- 2.The Superintendent of Police,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Economic Offence Wing,
Nagercoil,Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No.966 of 2022
25.01.2022

SAR(CO)

KB(23.02.2022) 2P 5C

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