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Crl.O.P.No. 9695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9695 of 2023

Sri Gayathri Financiers
Represented by Managing Partner K. Balu
Having it Office at D.No.6/154,
S.K. Complex, Trichy Main Road,
Namakkal Town and his address
Son of Karuppya, D.No.55 First Cross,
Thillipuram, Namakkal Town

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Namakkal District Crime Branch, Namakkal

2. P. Kumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to register a case and investigate the private complaint dated 24.02.2022 based on the order dated 05.07.2022 by the learned Judicial Magistrate No.1, Namakkal under section 156(3) of Cr.P.C in CMP.No502/2022.

For Petitioner : Mr. G. Ravi Kumar
For Respondent : Mr.S. Santhosh
Govt. Advocate(Crl Side)



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ORDER

This Criminal Original Petition has been filed to register a case and investigate the private complaint dated 24.02.2022 based on the order dated 05.07.2022 by the learned Judicial Magistrate No.1, Namakkal under section 156(3) of Cr.P.C in CMP.No502/2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner lodged a compliant before the First respondent police alleging that the second respondent cheated him by not paying the borrowed amount. Even then, the First respondent did not register a case as against the accused. Therefore the petitioner filed a Crl.M.P.No.502 of 2022 before the Judicial Magistrate No.1, Namakkal and the learned Magistrate by an order dated 05.07.2022 directed to conduct investigation and register a case. After receipt of the same, the second respondent did not register a case as against the accused person. Therefore it is a fit case for direction to direct the second respondent to register a case as against the accused person as directed by the learned Judicial Magistrate No.1, Namakkal in Crl.M.P.No.502 of 2022 , by an order dated 05.07.2022. Hence, he prayed to allow this petition.



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3. The learned Additional Public Prosecutor would submit after the direction issued by the learned Magistrate, the complaint is pending for registration.

4. Heard Mr.G. Ravi Kumar learned counsel appearing for the petitioner and Mr.S. Santhosh learned Government Advocate appearing for the first respondent.

5. Considering the above facts and circumstances, this Court directs the second respondent to register a case as against the accused person as directed by the learned Judicial Magistrate No.1, Namakkal, Crl.M.P.No.502 of 20226, by an order dated 05.07.2022 within a period of two weeks from the date of the receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is Allowed.

04.05.2023

Internet: Yes

Index: Yes/No

Speaking/non-speaking order



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G.K.ILANTHIRAIYAN, J.

smn

To

1. The Deputy Superintendent of Police,
Namakkal District Crime Branch, Namakkal
2. The Public Prosecutor,
High Court, Madras.

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04.05.2023