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CrI.O.P.No.28276 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.28276 of 2022

R.Palanivel

... Petitioner

Vs.

1.The Superintendent of Police,
Perambalur District,
Perambalur.

2.The Inspector of Police,
District Crime Branch,
Perambalur District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the FIR based on the complaint of the petitioner dated 2.3.2021 and investigate the same in accordance with law to secure the ends of justice.

For Petitioner : Mr.B.Madeswaran for
Mr.A.Dhanabalakrishnan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register FIR based on the complaint of the petitioner, dated



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02.03.2021 and investigate the same in accordance with law.

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2.The petitioner sent a complaint to the 2nd respondent Police on 02.03.2021 seeking registration of FIR since he was cheated to the sum of Rs.6,63,300/- by way of unregistered chit run by one Saravanan in the name of Saravanan Chits at Thirumanthurai, Perambalur District.

3.The learned counsel for the petitioner submitted that the petitioner joined Saravanan Chits and totally paid a sum of Rs.6,63,300/-. On receipt of the said amount, Saravanan is said to have promised that after 20 months, Rs.18 lakhs would be returned to the petitioner. On his promise, the petitioner kept quiet for sometime. Later, the petitioner came to know that Saravanan passed away on 08.02.2021. On coming to know about the same, the petitioner approached the wife, son and relatives of Saravanan seeking return of his money and also lodged the complaint to the respondents. Thereafter, the Special Sub Inspector of Police, District Crime Branch, Perambalur called both the parties for enquiry. During enquiry, Meena, wife of Saravanan gave an undertaking that she would somehow make arrangement to payback the entire amount



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to the petitioner. Thereafter, neither the amount was returned to the petitioner nor the 2nd respondent registered any case against the family members of Saravanan. Hence, the petitioner has filed the present petition.

4.The learned Additional Public Prosecutor appearing for the respondents submitted that the said Saravanan in his individual capacity conducted unregistered chit and later, he sustained loss. Unable to withstand mounting pressure from the subscribers, Saravanan committed suicide on 08.02.2021. He further submitted that the petitioner lodged the complaint, dated 02.03.2021 against the wife, son and relatives of Saravanan, who had nothing to do with the business of Saravanan. During enquiry, Menna, wife of Saravanan undertook to repay chit amount to the petitioner and later, Saravanan's daughter Sathiya aged about 18 years also committed suicide. The petitioner is unable to substantiate his claim with any documents or materials.

5.This Court considered the rival submissions and perused the materials available on record along with Case Diary.



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6.On perusal of the Case Diary, it is seen that Saravanan was running unregistered chit and later, committed suicide on 08.02.2021 due to the loss sustained and pressure exerted by the subscribers. When Saravanan's family were pressurized to repay the chit amount, Sathiya daughter of Saravanan also committed suicide. The 2nd respondent Police after due enquiry closed the complaint of the petitioner on 30.09.2022. This Court does not find any reason to interfere with the same.

7.If the petitioner has got any documents or materials to substantiate his claim, he can approach the concerned Court by filing appropriate petition.

8.With the above observations, this Criminal Original Petition is disposed of.

13.06.2023

Index: Yes/No
Internet: Yes/No
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To

- 1.The Superintendent of Police,
Perambalur District,
Perambalur.
- 2.The Inspector of Police,
District Crime Branch,
Perambalur District.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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