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CrI.O.P.No.31701 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.31701 of 2022

N.Perumal

... Petitioner

Vs.

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

2.The State rep. by
the Inspector of Police,
K10 Koyambedu Police Station,
Chennai.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the second respondent police to register FIR on the complaint dated 21.11.2022 lodged by the petitioner and investigate on the complaint given by the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.K.Livingston

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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The petitioner filed this petition seeking for a direction to the second respondent police to register FIR on the complaint dated 21.11.2022 lodged by him and investigate on the said complaint, within a stipulated time fixed by this Court.

2.The contention of the petitioner is that he is running a business in the name and style of M/s.SRB Construction as a Proprietor. During the course of business, the petitioner came to know one Narasa Reddy, who is also running a similar type of business as that of the petitioner and had a good friendship with him for a long time. While so, the above Narasa Reddy introduced one Hari Krishna Reddy to the petitioner and they have been in the practice of money lending and borrowing among each other. In this regard, the petitioner transferred a sum of Rs.25,00,000/- to the account of Hari Krishna Reddy through RTGS, as he assured to repay the said borrowed amount to the petitioner within three months from the date of 19.12.2019. Thereafter, despite the petitioner made several requests to him to repay the borrowed amount, he has not come forward to do so. Therefore,



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the petitioner made a complaint before the Commissioner of Police, Chennai on 21.11.2022 and the same was forwarded to the second respondent police.

As there was no action against his complaint, the petitioner filed this petition for the above direction.

3.Learned Additional Public Prosecutor for the respondents submits that on the complaint given by the petitioner, the petitioner was called for enquiry. During the enquiry, since it was agreed by the petitioner to approach the Civil Court to file a Suit for recovery of the above sum of Rs.25,00,000/-, his complaint was closed recording the statement made by the petitioner. A copy of the letter has also been produced to the petitioner.

4.Considering the submissions made and on perusal of the materials, this Court is of the view that as the complaint with regard to money transactions between the petitioner and one Hari Krishna Reddy, the petitioner has to approach the Civil Court for recovery of the above sum of



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M.NIRMAL KUMAR, J.

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Rs.25,00,000/-. Therefore, this Court is not inclined to entertain this
petition. Hence, this Criminal Original Petition is dismissed.

5.It is for the petitioner to file a Suit before the appropriate Court
seeking recovery of the above amount.

13.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
vga

To

- 1.The Commissioner of Police,
EVK Sampath Road,
Vepery,
Chennai 600 007.
- 2.The State rep. by
the Inspector of Police,
K10 Koyambedu Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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