

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-8-2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17539 of 2015

Asik Rasool

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Central Crime Branch, EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
Team II, Central Crime Branch,
Vepery, Chennai - 600 007.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to register the complaint dated 2.3.2015 taken on the file of the second respondent vide reference Nos.C.No.158/DC (CCB-II)/PE/15; C.No.52/AC-EDF-1/CCB/PE/15 and further direct to file final report and deal with the same in accordance with law.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent to register the complaint dated 2.3.2015 taken on the file of the second respondent vide reference Nos.C.No.158/DC (CCB-II)/PE/15; C.No.52/AC-EDF-1/CCB/PE/15 and further direct to file final report and deal with the same in accordance with law.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the State.

3. The learned Additional Public Prosecutor submitted that on the complaint dated 2.3.2015 petition enquiry was conducted and closed on 12.3.2015, and produced copy of the closure report.

4. The learned counsel appearing for the petitioner submitted that the Police have sent a notice dated 20.3.2015 asking the petitioner to appear for an enquiry to be held on 21.3.2015, while so it is only surprising that petition enquiry was conducted and closed on an earlier date viz., 12.3.2015.

5. Under such circumstances, the second respondent is directed to re-open the complaint dated 2.3.2015 and conduct enquiry afresh after affording opportunity to the petitioner, and during the course of the enquiry, if any cognizable offence is made out, a regular case shall be registered, following the law laid down by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and Others reported in (2014) 2 SCC 1.

The Criminal Original Petition is closed with the above directions.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Central Crime Branch,
EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
Team II, Central Crime Branch,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P No.17539 of 2015

KM(CO)
CA(31/08/2015)