

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

The Hon'ble Mr. Justice P.N.Prakash

Crl.O.P.No.25122 of 2015

B.Ravindran

...Petitioner

vs.

1.The Commissioner of Police,
O/o. Commissioner of Police, Chennai.
Egmore, Chennai.

2. The Assistant Commissioner of Police,
Central Crime Branch - Land Grabbing Cell,
O/o. Commissioner of Police, Chennai.
Egmore, Chennai.

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking direction upon the second respondent to register the complaint, dated 03.09.2015, preferred by the petitioner through his power agent and to investigate the same and consequently, to direct the first respondent to monitor the investigation of the case.

For Petitioner : M/s.Nathan Associates

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed, seeking direction upon second respondent to register the petitioner's complaint, dated 03.09.2015, lodged through his Power Agent, and to investigate the same and for consequential direction upon the first respondent to monitor the investigation of the case.

2. Heard both sides.

3. It is seen that the petitioner has lodged his complaint, dated 03.09.2015, and thereafter, has left for France on employment. It appears that since the petitioner has left for France, as seen above, his sister, by name B.Sudha, has appeared before the respondent/Police and submitted that since

her brother (viz., the petitioner herein) has gone abroad, she may be permitted to step into his shoes and pursue the complaint. To the said effect, she has also given a letter, dated 25.09.2015 to the respondent-Police.

4. In my considered opinion, it will not be permissible in law for B.Sudha to step into the shoes of the de facto complainant (petitioner herein), for, she herself has stated in the letter, dated 25.09.2015, that she is also a co-sharer in the property in question.

5. When faced with this situation, this Court is of the view that, it would be advisable for the said B.Sudha, sister of the petitioner herein, to lodge a fresh complaint to the concerned Station House Officer. Accordingly, this Criminal Original Petition is closed, and the aforesaid B.Sudha shall lodge a fresh complaint to the concerned Station House Officer. On receipt of such complaint, the Station House Officer shall investigate into the matter and register a crime, if cognizable offence is made out, as per the dictum laid down by the Hon'ble Apex Court in Lalita Kumari vs. Govt. of U.P. & others reported in [2013 (4) Crimes 243 (SC)].

sd/
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sd

To

1. The Commissioner of Police,
O/o. Commissioner of Police, Chennai.
Egmore, Chennai.

2. The Assistant Commissioner of Police,
Central Crime Branch - Land Grabbing Cell,
O/o. Commissioner of Police, Chennai.
Egmore, Chennai.

3. The Public Prosecutor,
High Court, Madras.

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CO-SAI
JD 19/11/2015