



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :27.07.2015
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
Crl.O.P.No.14331 of 2015

Kuthub Rabbani

: Petitioner

-Vs-

1.The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Melapalayam Police Station,
Melapalayam,
Tirunelveli.

: Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the second respondent to register a case against the proposed accused namely Arunachalam, Marimuthu, Gani and 20 identifiable members on the basis of the petitioner's complaint, dated 29.06.2015.

For Petitioner

:Mr.S.M.A.Jinnah

For Respondents

: Mrs.S.Prabha

Government Advocate(Crl. Side)

ORDER

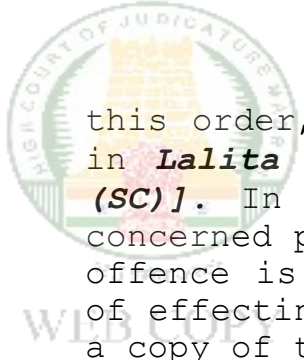
This petition has been filed under section 482 Cr.P.C, praying to direct the second respondent to register a case against the proposed accused namely Arunachalam, Marimuthu, Gani and 20 identifiable members on the basis of the petitioner's complaint, dated 29.06.2015.

2.Heard learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the State.

3.The learned counsel for the petitioner submitted that due to some property dispute, on 27.06.2015 when the petitioner was giving salary to his employees at his shop, the proposed accused persons came with his henchmen and scolded the petitioner with filthy language and caused damage to the furniture at the shop and also assaulted the petitioner. Therefore, the petitioner gave a complaint to the second respondent to register a case. Since, no action has been taken so far, the petitioner has come forward with this petition.

4.The learned Government Advocate(Crl. Side) has submitted that based on the complaint given by the petitioner, dated 27.06.2015, petition enquiry is pending before the second respondent police.

5.In view of the above, the second respondent police is directed to conduct a preliminary enquiry, which shall not extend beyond a period of seven days from the date of receipt of a copy of



this order, by following the judgement of the Hon'ble Supreme Court in ***Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]***. In conducting the preliminary enquiry, they shall put the concerned parties upon notice. At the end thereof, if any cognizable offence is made out, they shall duly register a case. In the event of effecting closure of the case upon conducting a petition enquiry, a copy of the closure report shall be forwarded to the complainant.

6.The Criminal Original Petition is disposed of with the above direction.

sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

pm

To

1.The Commissioner of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Melapalayam Police Station,
Melapalayam, Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+one cc to Mr. S.M.J.Jinnah, Advocate in SR.No.42061

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27.07.2015

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