

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.1760 of 2016

A.Subramaniam

.. Petitioner

Vs.

State rep. by
Inspector of Police
Central Crime Branch
Vepery
Chennai.

... Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent to register a case pursuant to the petitioner's complaint dated 15.07.2014 against the accused for the offences under Sections 415, 420, 464, 465 and 471 IPC forthwith and take action on the same in accordance with law.

For Petitioner: Mr.AR.L.Sundaresan, senior counsel
for
Mrs.AL.Ganthimathi

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for issuing a direction to the respondent to register a case pursuant to the petitioner's complaint dated 15.07.2014 against the accused for the offences under Sections 415, 420, 464, 465 and 471 IPC forthwith and take action on the same in accordance with law.

2.Learned senior counsel appearing for the petitioner submits that the petitioner has lodged a complaint before the respondent police on 15.07.2014. But the respondent without conducting enquiry, closed the matter, which was incorporated in the order dated 24.11.2014, made in Crl.O.P.No.15149 of 2014. When the proposed accused filed a petition in Crl.O.P.No.15149 of 2014 seeking anticipatory bail, this Court in para-3, has specifically held that "in the event of police re-opening the complaint, summons under Section 160 Cr.P.C. Should be given to

the petitioner for appearance and at that juncture, the petitioner is given liberty to approach this Court for appropriate relief". Therefore, the learned senior counsel prays for a direction to the respondent to reopen the complaint filed by the petitioner, enquire the matter and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

3.At this juncture, learned Additional Public Prosecutor would submit that the petitioner herein did not co-operate for enquiry and he has not produced the document. Hence, the complaint was closed.

4.Heard both sides and perused the materials available on the typed set of papers.

5.Considering the aforestated circumstances of the case, the petitioner is directed to give a fresh complaint with all the relevant documents to the Deputy Commissioner of Police, Central Crime Branch, Vepery, Chennai. On receipt of the same, the Deputy Commissioner of Police, is directed to nominate any Officer to conduct enquiry and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1.Inspector of Police
Central Crime Branch
Vepery
Chennai.

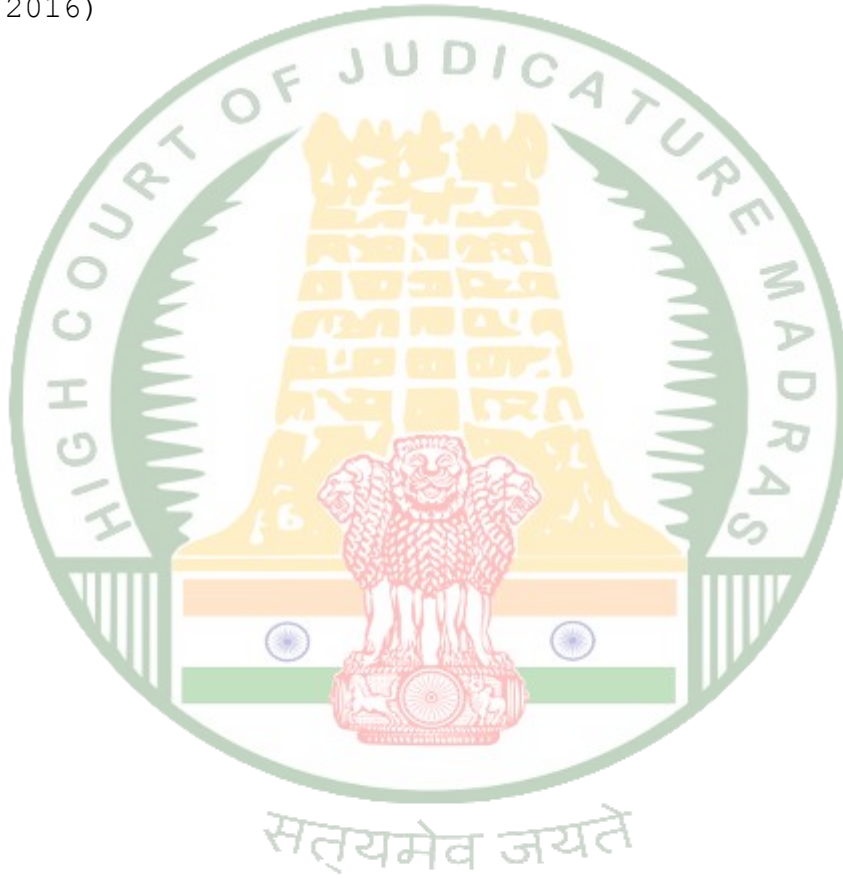
2.The Deputy Commissioner of Police
Central Crime Branch,
Vepery, Chennai.

3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.A.L.Gandhimathi, Advocate, S.R.No.9044

Cr1.O.P.No.1760 of 2016

msm(CO)
srg(22/02/2016)



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