

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30386 of 2015

D.R.Ashok Kumar

... Petitioner

Vs

1.The Superintendent of Police,  
Tiruvallur District at  
Tiruvallur.

2.The Inspector of Police,  
M-4 Red Hills Police Station,  
Tiruvallur District.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent herein viz the Inspector of Police, M4. Red Hills Police Station, Tiruvallur District to register a case on the complaint given to the second respondent herein on 12.10.2015.

For Petitioner : Mr.S.Arivazhagan

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

O R D E R

This petition has been filed to direct the second respondent herein viz., the Inspector of Police, M4. Red Hills Police Station, Tiruvallur District, to register a case on the complaint given by the petitioner, dated 12.10.2015.

2. The petitioner herein lodged a complaint stating that on 19.9.2012, he along with his friends by name, Anand and Jeeva, were returning from Tirupathi in his car and were waiting at Yamaha show room signal near Red Hills. At that time, one Heavy vehicle (lorry) bearing Registration No.TN-20-CZ 7068 driven in a rash and negligent manner dashed against the car belonging to the petitioner from backside and caused the accident. On informing about the accident by the lorry driver to his Company, two persons along with the Manager of the Company by name, Senthil, came to the spot and compromised the matter with two

traffic policemen and he had given his cell phone number and assured that he would pay the entire service charges for the petitioner's car. The petitioner entrusted the car to Maruti ABT Service Company and on completion of the repair work, when the petitioner called the said Senthil for payment of service charges, he informed that since his uncle died, he had gone to Madurai and he asked the petitioner to take delivery of the vehicle after making payment and he would come and make the payment to the petitioner. The petitioner paid Rs.1,61,458/- and took delivery of his car. Thereafter, when the petitioner contacted Senthil, he evaded the petitioner. Subsequently, to the shock and surprise of the petitioner, the said Manager Senthil along with 10 unidentifiable persons, armed with knife and iron pipe, surrounded the petitioner and abused him in filthy language and also threatened him with dire consequences. Apprehending danger to his life, the petitioner lodged a complaint with the respondent police on 12.10.2015. Since no action was taken so far, the present petition has been filed.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted the complaint was sent by post and if a fresh complaint is given in person by the petitioner, necessary action will be taken.

4. In view of the submission made by the learned Additional Public Prosecutor, this Court directs the petitioner to give a fresh complaint with regard to the alleged accident along with a copy of this order. On receipt of the same, the respondent police is directed to conduct an enquiry on the complaint given by the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

5. The criminal original petition is disposed of accordingly.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

vsi

To

1.The Superintendent of Police,  
Tiruvallur District at  
Tiruvallur.

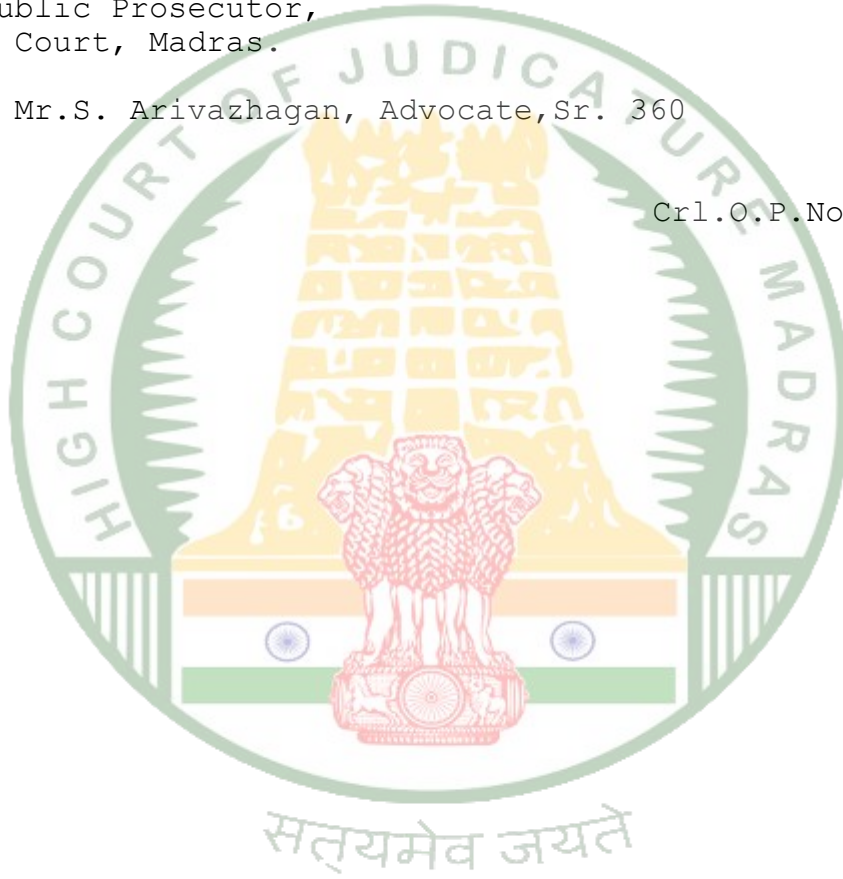
2.The Inspector of Police,  
M-4 Red Hills Police Station,  
Tiruvallur District.

3.The Public Prosecutor,  
High Court, Madras.

1 cc to Mr.S. Arivazhagan, Advocate, Sr. 360

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