

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.1.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1941 of 2016

Govindasamy

... Petitioner

Vs

State, represented by
Assistant Commissioner of Police,
M.P.H. Road,
Ambattur, Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a case based on the complaint lodged by the petitioner dated 11.1.2016 before the respondent and investigate the same according to law.

For Petitioner : Mr. Duraikannan

For Respondent : Mr.C. Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the complaint lodged by the petitioner dated 11.1.2016 before the respondent and investigate the same according to law.

2. In the petition, it was stated that the petitioner is a tenant under one Loganathan in respect of a premises at No.70/1, Barathiyar Street, Sreenivasanagar, Padi, Chennai for running metal polish shop. As the said Loganathan intended to evict the petitioner without any prior intimation, he disconnected the electricity connection, the petitioner filed RCOP No.1 of 2014 before the District Munsiff, Ambatur and the same is pending. While so, on 27.6.2014, the said Loganathan along with his henchmen demolished the shop let out for rent with the help of JCB machine and stolen articles worth about Rs.3,00,000/-. Hence the petitioner lodged a complaint on

11.1.2016 before the respondent police, but till date, no action has been taken. Therefore the petitioner is before this court.

3. Learned counsel for petitioner submitted that though the complaint was lodged on 11.1.2016, till date, the respondent police has not registered any case on his complaint. Hence, the present criminal original petition has been filed.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. Learned counsel for the petitioner submitted that though the complaint has been lodged on 11.1.2016, till date, no action has been taken on the said complaint.

6. Learned Additional Public Prosecutor appearing for the respondent submitted that the complaint was lodged only through post and if the same was lodged in person, appropriate action would be taken.

7. However, irrespective of the submissions made on either side, this Court is of the opinion that it is appropriate to direct the petitioner to give a fresh complaint along with a copy of this order within a period of one week from the date of receipt of a copy of this order and on such complaint, the respondent is directed to conduct an enquiry on the complaint given by the petitioner. Upon enquiry, if materials are gathered indicating any cognizable offence, the respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

8. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS III)

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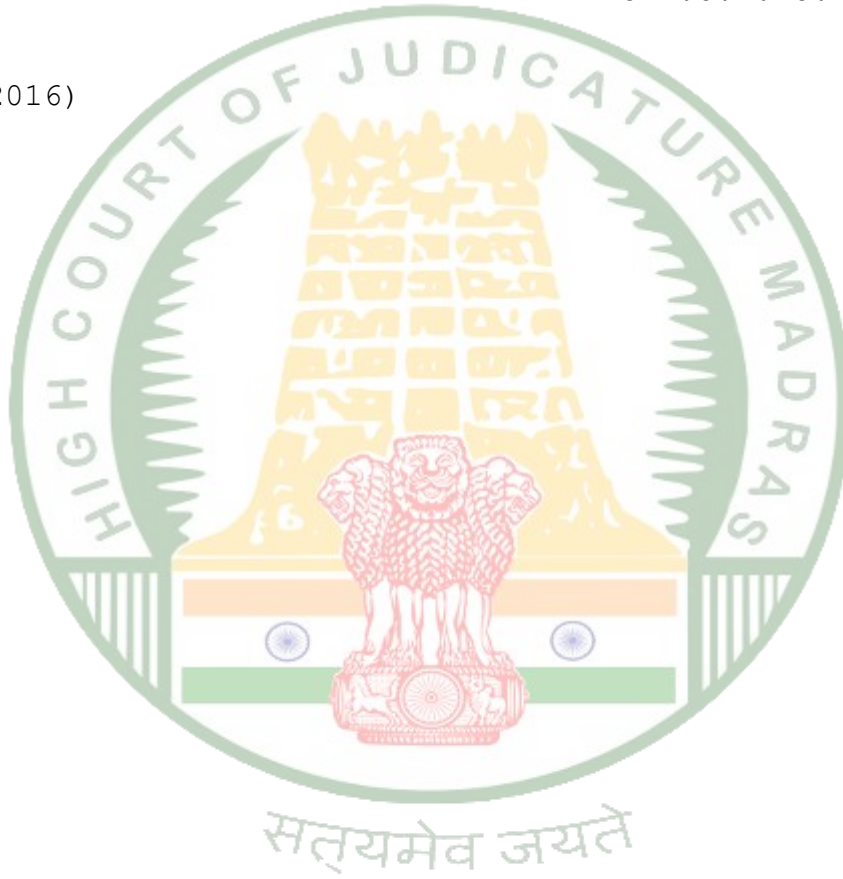
Sub Assistant Registrar

To

1. The Assistant Commissioner of Police,
M.P.H. Road,
Ambattur, Chennai.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.1941 of 2016

MP (CO)
CA(16/02/2016)



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