

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Criminal Original Petition No.2035 of 2016

G.Pushpa

... Petitioner

Vs.

The Deputy Commissioner of Police,  
Traffic Department (East),  
Anna Salai,  
Chennai-2.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent to register an FIR on the complaint dated 27.07.2015 lodged by the petitioner and deal the same in accordance with law.

For Petitioner : Mr.M.R.Uma Vijayan

For Respondent : Mr.C.Emalias  
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the respondent to register an FIR on the complaint dated 27.07.2015 lodged by the petitioner and deal the same in accordance with law.

2.The learned counsel for the petitioner would submit that on 11.08.2014, the petitioner husband T.Gnanaprakasam, while driving his vehicle, bearing Registration No.TN-07-BU-0671, he himself dashed in the barricade stone and he became unconscious and when he was taken to the hospital, he died. In the Certificate given by the Corporation of Chennai, Health Department, it has been specifically mentioned that he died due to unexpected traumatic shock in the accident. Even though the complaint was given by the petitioner on 27.07.2015, the respondent has not shown any interest to investigate the matter and to register an FIR. Hence, the petitioner has come up with the present petition for the relief as stated above.

3.Resisting the same, the learned Additional Public Prosecutor submitted that the alleged occurrence said to be taken place on 11.08.2014 but, the complaint has been given on 27.07.2015. No postmortem has been conducted. The body has been cremated. There is no possibility for registering the complaint without postmortem. Hence, the petitioner/wife has come forward with this application for unjust enrichment. Furthermore, it is stated that already enquiry has been conducted and the same was closed, which was evidenced, at Page 2 of the typedset of papers, submitted by the petitioner.

Recording the submissions made by the learned Additional Public Prosecutor, this Criminal Original Petition is dismissed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Deputy Commissioner of Police,  
Traffic Department (East),  
Anna Salai,  
Chennai-2.

2.The Additional Public Prosecutor,  
Madras High Court,  
Madras.

+1cc to Mr.M.R.Uma Vijayan, Advocate, S.R.No.6956

Cr1.O.P.No.2035 of 2016

VGI(CO)  
CA(18/02/2016)

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