

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.2593 of 2016

Meenu Jain

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
C-1 Flower Bazaar police station
Chennai-1.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register an F.I.R. on the petitioner's complaint dated 04.01.2016.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondent to register a case based on the petitioner's complaint dated 04.01.2016 and investigate the same in accordance with law.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 04.01.2016, for which, C.S.R.No.9 of 2016 has been assigned. He further submitted that the proposed accused has attempted to rape the petitioner and grab her gold chain and due to which, she sustained grievous injuries. Immediately, the petitioner was admitted in the hospital on 04.01.2016 and discharged on 05.01.2016. But the respondent has not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor would submit that on the basis of the complaint given by the petitioner, petition enquiry has been conducted and the same was closed on 04.01.2016 itself.

4.Heard both sides.

5.On perusal of page No.2 of the typed set of papers, it reveals that the petitioner was admitted in the hospital on 04.01.2016 at 8.55 p.m., she was discharged on 05.01.2016 at 8.00 a.m. and she was treated as MLC. Further, it was specifically stated that one known person has attempted to rape and assault the petitioner by using house knife at 11.00 a.m., on 04.01.2016 at her residence in Sowcarpet and further it was mentioned that the petitioner has sustained multiple abrasions.

6.Considering the aforestated facts and circumstances of the case, even though no grievous injury has been mentioned, I am of the view, the closure report filed by the respondent is unsustainable and it is hereby set aside. The respondent police is directed to conduct enquiry after considering the discharge summary and other relevant medical documents produced by the petitioner 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.

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

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
C-1 Flower Bazaar police station
Chennai-1.

2.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.G.Mohammed Aseef, Advocate Sr 14735

KR/16/3/16

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