

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3037 of 2016

K.Bhuvaneshwari

... Petitioner

Vs.

1.The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 104.

2.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 7.

3.The Inspector of Police,
K-3 Aminjikarai (Crime) Police Station,
Chennai - 29.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue direction to the respondents 2 and 3 to register the complaint dated 29.04.2015 and to file the final report within a stipulated time as fix by this Hon'ble Court.

For Petitioner : Mr.S.N.Kirubanandam

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondents 2 and 3 to register the complaint dated 29.04.2015 and to file the final report within a stipulated time as fixed by this Court.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the Chief Minister's Special Cell and on enquiry, the accused agreed to repay Rs.6 Lakhs out of Rs.7 Lakhs got from the petitioner but the accused did not repay the same. Hence, she gave a complaint dated 29.04.2015 to the third respondent police, 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.The learned Additional Public Prosecutor fairly conceded that on the basis of the complaint given by the petitioner, enquiry has been conducted in which the counter petitioner agreed to repay a sum of Rs.6 Lakhs and on that basis it was closed and prayed for dismissal of the petition.

4.Considering the rival submissions made on both sides and on perusal of typed set of papers, it is known that on receipt of the complaint given by the petitioner CSR No.457 of 2015 has been assigned and both side has been called for enquiry and the counter petitioner agreed to repay a sum of Rs.6 Lakhs and hence, the petition has been closed. Hence, the petitioner has given second complaint and that has been enquired, but the counter petitioner has not appeared. In such circumstances, this Court feels that it is a fit case for reopening CSR No.457 of 2015. Hence, CSR No.457 of 2015 is reopened. The third respondent police is directed to expedite the 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. The petitioner is directed to co-operate with the respondent police for enquiry.

5.With the above direction, this Criminal Original Petition is disposed of.
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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 104.

2.The Commissioner of Police,
Chennai City Police, Vepery, Chennai - 7.

3.The Inspector of Police,
K-3 Aminjikarai (Crime) Police Station,
Chennai - 29.

4.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.N.Kirubanandam, Advocate Sr 18238

KR/28/3/16

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