

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Criminal Original Petition No. of 3220 of 2016

M.Kausalya

: Petitioner

Vs.

1. The Commissioner of Police,
Commissioner Office,
Coimbatore District,
Coimbatore.

2. The Inspector of Police,
C-3, Crime, Saibaba Colony Police Station,
Coimbatore.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondents to register the complaint of the petitioner, dated 22.01.2014.

For Petitioner :Mr.K.S.Karthikraja

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 respondents to register a case on the basis of the complaint dated 22.01.2014 given by the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner's son and the proposed accused were doing business in the name of "Marvel Batteries Private Limited". The petitioner's son has not accepted and refused to obey the direction given by the other Directors and that the materials and commodities in the shop have been taken away by the proposed accused on 30.12.2013 and 31.12.2013 at 5.20 p.m. and 5.37 p.m. respectively and further, they had taken a sum of Rs.1,25,000/- from the account of the petitioner's son and directed her son to issue cheques and also sign in the stamp papers and arranged some persons to inspect the movement of her son. Hence, she has given a complaint to the respondent, but he has not taken any

steps either to register a case or to give any police protection and hence, the petitioner has come forward with this petition for the above stated relief.

3. On 25.02.2016, when the matter was posted, at that time, it was represented that the enquiry has already been conducted and the same was closed. Today, the matter was posted for production of the closure report.

4. The learned Additional Public Prosecutor would submit that even though the intimation has been given to the petitioner to produce the closure report, the respondent has not appeared before this Court and leave the matter for Court consideration.

4. Considering the rival submission made by both sides, it clear that there is no evidence to show that the enquiry has been conducted and closed and also the closure report is not filed, the second respondent is directed to conduct the enquiry afresh 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.

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

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-s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Commissioner Office, Coimbatore District,
Coimbatore.
2. The Inspector of Police,
C-3, Crime, Saibaba Colony Police Station,
Coimbatore.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+ 1 cc to m/s.K.S.Karthikraja, Advocate SR 18309
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Cr1.O.P.No.3220 of 2016