

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.3781 of 2016

Ashok Kumar

.. Petitioner

Vs.

State rep. by its  
Inspector of Police  
Pollachi Bazaar police station  
Coimbatore District.

.. 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 basis of the petitioner's complaint dated 22.12.2015 in accordance with law.

For Petitioner : Mr.P.Kalimuthu

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 22.12.2015 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 22.12.2015, for which, C.S.R.No.189 of 2015 has been assigned. 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 after receipt of the complaint given by the petitioner, C.S.R.No.189 of 2015 has been assigned. The counter petitioner has appeared for enquiry and given an undertaking that he is ready to repay the amount due to the petitioner. On that basis, the said complaint was closed.

4.Considering the rival submissions made on both sides, even the counter petitioner has given an undertaking to repay the amount to the petitioner, he did not abide the conditions in the undertaking. Under such circumstances, the closure report filed by the respondent is hereby reopened. The respondent 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.

5. 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,  
Pollachi Bazaar police station,  
Coimbatore District.

2.The Public Prosecutor,  
High Court, Chennai.

+ 1 cc to Mr.P.Kalimuthu, Advocate Sr 14937

KR/14/3/16

सत्यमेव जयते

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