

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3847 of 2016

Mohamed Ansari

.. Petitioner

Vs.

The State represented by its
Inspector of Police,
S11 Tambaram Police Station,
Tambaram West,
Chennai - 600 045.
Crime No.not known of 2016)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to register a case on the petitioner's mother complaint dated 02.01.2016 and petitioner's complaint dated 03.01.2016.

For Petitioner : Dr.R.Sampathkumar

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 police to register a case pertaining to the complaint given by the petitioner's mother on 02.01.2016 and the complaint given by the petitioner on 03.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner's mother has lodged a complaint against her daughter-in-law before the respondent on 02.01.2016, for which, C.S.R.No.2 of 2016 has been assigned. He further submitted that the petitioner has also given a complaint before the respondent on 03.01.2016. 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. At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that after receipt of the complaint from the petitioner's mother C.S.R.No.2 of 2016 has been assigned. He further submitted that both the parties were enquired and the complaint was closed.

4. Considered the rival submissions made on both sides and perused the typed set of papers.

5. On 02.01.2016, the petitioner's mother alleged to be assaulted by the counter petitioner, immediately she was admitted in the hospital at 11.00 p.m. and she was discharged on 04.01.2016. Further, in the discharge summary, it was stated that the petitioner's mother has sustained some fracture. So, I am of the view that it is a fit case to re-open the case and enquire the matter afresh. Therefore, the respondent is directed to re-open the case and 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 also directed to produce all the relevant documents before the respondent police.

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

cse

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
S11 Tambaram Police Station,
Tambaram West, Chennai - 600 045.

2. The Public Prosecutor, High Court, Chennai.

+ 1 cc to Dr.R.Sampathkumar, Advocate Sr 13027

KR/9/3/16

Cr1.O.P.No.3847 of 2016