

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3986 of 2016

S.R.Saravanan

... Petitioner

Vs.

1.State Rep. by
Inspector of Police
New Town Police Station,
Cuddalore.

2.Superintendent of Police,
Cuddalore District,
Cuddalore.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue direction to the respondents to register the F.I.R. on the complaint made by the petitioner on 26.12.2014 for the alleged offence under Section 420 of IPC and investigate the matter and to file a charge sheet expeditiously in accordance with law.

For Petitioner : Mr.S.Saravana Kumar

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondents to register the F.I.R. on the complaint made by the petitioner on 26.12.2014 for the alleged offence under Section 420 of IPC and investigate the matter and to file a charge sheet.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent police on 26.12.2014, 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.On 29.03.2016, when the petition was taken up for hearing,

the learned Additional Public Prosecutor, on instructions, submitted that the respondents have not received the complaint. Hence, at the request of the learned counsel for the petitioner, the matter was adjourned to 21.04.2016 for filing proof of sending the complaint to the respondent police.

4.Today (21.04.2016), the learned counsel for the petitioner is unable to produce the proof for sending the complaint to the respondent police and he would submit that the complaint has been given in person. Further, he has taken me to paragraph no.4 of the petition and would state that the complaint is pending in File No.G.P.2463/2014 and would submit that they have received the same.

5.The learned Additional Public Prosecutor would submit that already, the petitioner has given a complaint and it was enquired and closed on 20.04.2014.

6.Considering the rival submissions made on both sides and since the petitioner is unable to produce the proof for sending the complaint to the respondent police, the petitioner is directed to give a fresh complaint to the first respondent and on receipt of the same, the first respondent is directed to enquire into the matter 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.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police
New Town Police Station, Cuddalore.
- 2.Superintendent of Police,
Cuddalore District, Cuddalore.
- 3.The Public Prosecutor
High Court, Madras.

+1 cc to M/s.S.Saravanakumar, Advocate, sr.24516

Cr1.O.P.No.3986 of 2016

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