

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.4483 of 2016

K.Madhan

.. Petitioner

Vs.

State rep. by

1.The Commissioner of Police,
Chennai City Police, Vepery,
Chennai.

2.The Inspector of Police,
Kundrathur Police Station,
Kundrathur, Chennai-69.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register a case on the basis of the petitioner's complaint dated 13.02.2016 and investigate the same in accordance with law.

For Petitioner : Mr.P.Gunaraj

For Respondents: 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 second respondent to register a case pertaining to the petitioner's complaint dated 13.02.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 13.02.2016. But the respondents have 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 01.03.2016, the learned Additional Public Prosecutor, on instructions, had submitted that on the basis of the complaint given by the petitioner, CSR.98 of 2016 was given and due enquiry has been conducted and the case was closed on 26.02.2016 stating that the petitioner himself has made an endorsement that he is not pursuing the complaint further.

4.Today, the matter was posted for appearance of the complainant and he is present before this Court. The complainant stated that at the instance of the police, he has signed the paper on the belief that the police would recover his property and he has not withdrawn the case.

5.A perusal of the complaint would show that petitioner has given the complaint on 13.02.2016, in which he has been stated that the alleged occurrences said to have taken place from the year 2010. Admittedly, no complaint has been given by the petitioner immediately. On 06.02.2016, at about 9.00 a.m., one Mrs.Selvam tried to stole the property from the petitioner's house which was seen by the wife of the petitioner's brother. Hence, the petitioner has given the complaint to the respondents on 13.02.2016 against Mrs.Selvam and her son Siva.

6.Considering the same, I am of the view that it is a fit case to set aside the closure report of the respondent police and accordingly, the same is hereby set aside. The respondent police is directed to conduct the enquiry in respect of the later portion of the complaint dated 13.02.2016 i.e., from January 2016 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 for enquiry.

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

DP

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai.

2.The Inspector of Police,
Kundrathur Police Station,
Kundrathur, Chennai-69.

3.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.P.Gunaraj, Advocate Sr 15060

KR/16/3/16

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