

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4632 of 2016

Christin Mary

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
(Law & Order and Crime),
R-5, Virugambakkam Police Station,
Chennai-600 092.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case on the report dated 24.09.2015 given by the petitioner to the respondent herein.

For Petitioner :Mr.R.Manivannan
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 on the report given by the petitioner dated 24.09.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 24.09.2015. 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 on 24.09.2015, both the parties were called for enquiry and they had given an undertaking that the petitioner has received a sum of Rs.20,000/- in the first installment on 24.09.2015, the counter petitioner agreed to repay Rs.30,000/- on 03.10.2015 and to repay the balance amount on or before 31.12.2015 and the same was accepted by the petitioner. So the complaint given by the petitioner has been closed and hence, he prays for dismissal of this petition.

4.Heard both sides.

5.On perusal of the typed set of papers, it reveals that the petitioner has given the complaint on 24.09.2015 and on that basis, enquiry has been conducted and in the said process, it was agreed that the petitioner has received Rs.25,000/- on the same date and the amount of Rs.30,000/- will be paid on 03.10.2015 and the balance amount will be paid on or before 31.12.2015. Both the parties had executed an undertaking letter in the presence of witnesses and the counter petitioner had also agreed to return the petitioner's jewels on or before 31.12.2015. It is to be noted that the petitioner had admitted that she received Rs.20,000/- from the counter petitioner. Even though the counter petitioner has not returned her jewels, the petitioner has not given any fresh complaint. So there is no reason for rescinding the closure report. If the petitioner would give a fresh complaint, the respondent may look into the same. Therefore, the petitioner is directed to give a fresh complaint to the respondent and on receipt of the same, the respondent is directed to conduct enquiry, expedite the same 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.

6. 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 Inspector of Police,
(Law & Order and Crime),
R-5, Virugambakkam Police Station,
Chennai-600 092.
2. The Public Prosecutor
High Court, Chennai.

+ 2 cc to Mr.R.Manivannan, Advocate, SR 14613

scd(co)
prk10/3

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