

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4720 of 2016

S.A.Amafaz Mohamed
represented by Zackariya
Chennai-6

.. Petitioner

Vs.

1.State rep. by its
The Commissioner of Police,
#132, EVK Sampath Salai,
Vepery, Chennai - 600 007.

2.The Sub Inspector of Police,
CCB Team-1,
Office of the Commissioner of Police,
#132, EVK Sampath Salai, Vepery,
Chennai - 600 007.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register a case on the basis of a complaint dated 22.02.2016 and investigate the same and report within a time frame as fixed by this Court.

For Petitioner : Mr.G.Krishnakumar

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 second respondent police to register a case pertaining to the petitioner's complaint dated 22.02.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the second respondent on 22.02.2016 and it was taken on file as C.No.914 of 2016. But the second 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, enquiry has been conducted and the complaint was closed on 02.03.2016.

4.Considering the submissions made on both sides and on perusal of the records, it is seen that there is no evidence to show that the petitioner/complainant was not examined by the respondent police. So, I am of the view that it is a fit case to re-open the case and enquire the matter afresh. Therefore, the second 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
#132, EVK Sampath Salai,
Vepery, Chennai - 600 007.

2.The Sub Inspector of Police,
CCB Team-1,
Office of the Commissioner of Police,
#132, EVK Sampath Salai, Vepery,
Chennai - 600 007.

3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.G.Krishnakumar, Advocate sr.14252

Cr1.O.P.No.4720 of 2016

cnr (CO)
srg (09/03/2016)