

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4928 of 2016

O.N.K.Sabapathy

.. Petitioner

Vs.

The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register FIR based on a complaint of the petitioner dated 07.10.2015.

For Petitioner : Mr.B.Vasudevan

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 petitioner's complaint dated 07.10.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 07.10.2015. He further submitted that even though C.S.R.No.419 of 2015 has been assigned, the respondent has not properly conducted the enquiry and registered 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 as if compromise has been arrived out between the parties.

4. But the learned counsel for the petitioner submitted that compromise has not been arrived out. He further submitted that the petitioner has sustained injury in the said incident and Accident Register copy was also filed, wherein it was stated that the petitioner was alleged to have assaulted by the son of the known person.

5. Considering the submissions made on both sides and on perusal of the records, 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.

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,
Magudanchavadi Police Station,
Salem District.
 2. The Public Prosecutor, High Court, Chennai.
- + 1 CC TO MR.B.VASUDEVAN, ADVOCATE SR 14250

KR/11/3/16

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