

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4986 of 2016

E.Sumathi Priya

.. Petitioner

Vs.

1.The Commissioner of Police,
Chennai City Police @ Egmore,
Chennai - 8.

2.The Deputy Superintendent of Police,
Ambattur, Chennai - 17.

3.The Inspector of Police,
R10, Thirumullaivoyal Police Station,
Chennai - 58.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the third respondent police to investigate and take appropriate action as per law and against such accused persons as may be necessary on the complaint dated 13.10.2015 within a specified period.

For Petitioner : Mr.B.Divakaran

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 third respondent police to investigate and take appropriate action as per law and against such accused persons as may be necessary on the complaint dated 13.10.2015.

2.The learned senior counsel for the petitioner submitted that on the basis of the complaint given by the petitioner on 13.10.2015, which was taken as C.No.3550 of 2015, both the parties were called for enquiry in which the proposed accused has given three cheques for Rs.6,50,000/-. He further submitted that when the cheques were presented for encashment, the said cheques were returned as insufficient funds. 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 the basis of the complaint given by the petitioner, both the parties entered compromise, the proposed accused issued three cheques and the complaint was closed on 14.11.2015. Hence, he prayed for dismissal of the petition.

4.Considering the rival submissions made on both sides, on the basis of the complaint made by the petitioner both the parties were called and enquired and the counter petitioner undertook to repay the amount and he has also issued three cheques on 15.02.2016 but the said cheques were dishonoured, I am of the view that it is a fit case to re-open the closure report and enquire the matter afresh. Therefore, the third respondent is directed to 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.
cse

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Chennai City Police @ Egmore, Chennai - 8.

2.The Deputy Superintendent of Police,
Ambattur, Chennai - 17.

3.The Inspector of Police,
R10, Thirumullaivoyal Police Station,
Chennai - 58.

4.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.B.Divakaran, Advocate Sr 14703

KR/11/3/16

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