

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5331 of 2016

I.Sheik Madar

.. Petitioner

Vs.

1.The Commissioner of Police
Chennai City
Chennai.

2.The Inspector of Police
J1 Saidapet police station
Chennai-15.

.. 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 27.01.2016 and investigate the same in accordance with law.

For Petitioner :Mr.M.Zainul Abideen

For Respondents :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking a direction to the second respondent to register a case pertaining to the petitioner's complaint dated 27.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 27.01.2016 stating that on 19.01.2016, at about 6.00 a.m., while the petitioner's sister and mother were cleaning utensils in the common pathway, the proposed accused came there, abused them using filthy language and assaulted them. He further submitted that even though the respondents have given C.No.292 of 2016, they 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.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that the petitioner's sister is having an habit of giving a false complaint. Even in the year 2015, she has given such a complaint and the respondents after conducting enquiry closed the complaint. He would further submit that the petitioner has now given the present complaint. During enquiry, the petitioner has appeared before the respondents, but he refused to give a statement. Since the dispute between both the parties is in respect of common pathway, after enquiry, the petitioner's complaint was closed. Hence, he prays for dismissal.

4.Considering the rival submissions made on both sides, even though in the complaint it was stated that the petitioner's sister and mother had subjected to assault, no document was filed to prove the same. Further, it is pertinent to note that even the petitioner has appeared before the respondents for enquiry, he has not given any statement. It is clear that the petitioner with a malafide intention to drag the counter petitioner before the Court, has come forward with this petition. So I do not find any reasons to allow this petition. Therefore, recording the submissions made by the learned Additional Public Prosecutor, the Criminal Original Petition stands dismissed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police
Chennai City
Chennai.

2.The Inspector of Police
J1 Saidapet police station
Chennai-15.

3.The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.M.Zainul Abideen, Advocate, SR 22538

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