

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5548 of 2016

K.Govindaraj

..Petitioner

Vs.

State rep. by
Inspector of Police (Crime)
K-4 Anna nagar police station
Anna nagar, Chennai-40.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case based on the petitioner's complaint dated 24.01.2015 and investigate the same in accordance with law.

For Petitioner :Mr.C.Senapathi

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 pertaining to the petitioner's complaint dated 24.01.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 24.01.2015, for which, C.S.R.No.17 of 2015 has been assigned. 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 the basis of the complaint given by the counter petitioner viz., one R.K.Kumarasamy, the District Crime Branch, Thiruvallore, conducted enquiry and the petitioner has appeared for enquiry. The matter has been settled and hence the said complaint was closed. He would further submit that the petitioner has lodged the present complaint as counter blast and the petitioner did not co-operate for enquiry. However, the counter petitioner

appeared for enquiry and the matter has been settled and that the complaint was closed. Hence, he prays for dismissal of the petition.

4. Heard both sides and perused the typed set of papers.

5. According to the learned Additional Public Prosecutor, the earlier complaint which was given by the counter petitioner viz., R.K.Kumarasamy, was closed as matter settled by the District Crime Branch, Thiruvallore. In the present complaint in C.S.R.No.17 of 2015, the petitioner was not examined and counter petitioner alone was examined. Even though the petitioner received summons, he did not turn up for enquiry. Under such circumstances, the closure report furnished by the respondent is hereby reopened. The petitioner is directed to appear before the respondent on 29.03.2016 for enquiry with all the relevant documents. The respondent police is directed to enquire the matter 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.

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

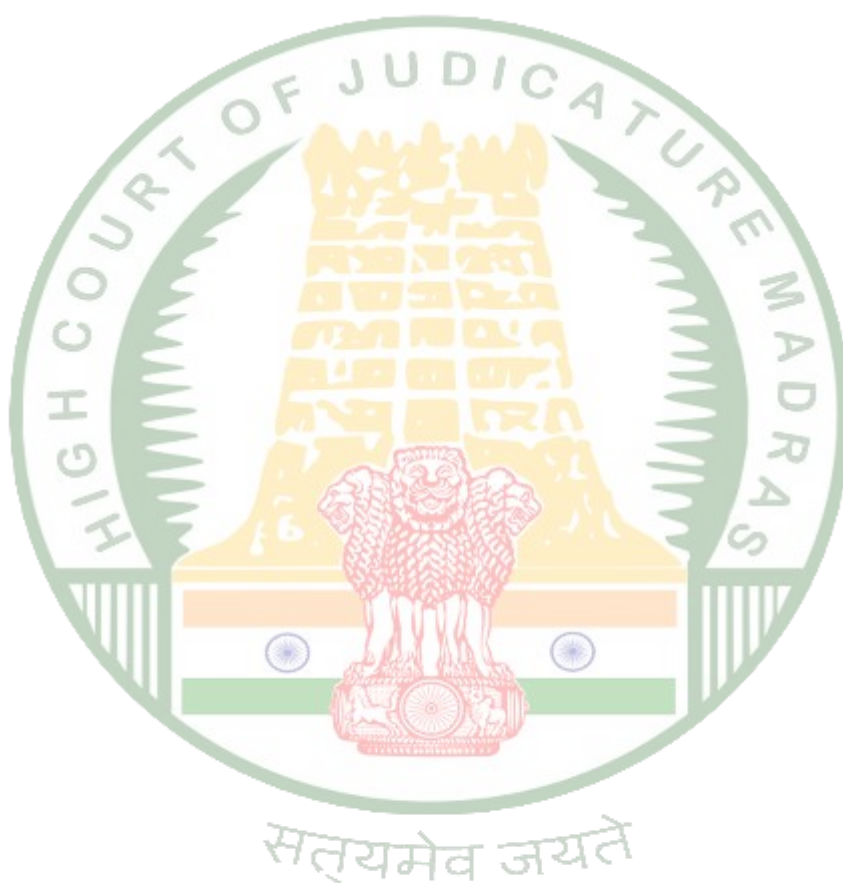
To

1. The Inspector of Police (Crime),
K-4 Anna Nagar Police Station,
Anna nagar, Chennai-40.
2. The Public Prosecutor, High Court, Chennai.
- + 2 CCS TO MR.C.SENAPATHI, ADVOCATE SR 15975

KR/18/3/16

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