

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5630 of 2016

P.Srinath

.. Petitioner

Vs.

1.The State rep. by
The Inspector of Police
E-1 Mylapore police station
Chennai-4.

2.The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai-7. .. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register a case on the basis of the petitioner's complaint dated 19.11.2015.

For Petitioner :Mr.T.Nirmaleswar

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 respondents to register a case pertaining to the petitioner's complaint dated 19.11.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 19.11.2015 stating that when the petitioner had parked his car in the premises, the counter petitioner's car wrongly dashed against the petitioner's car and thereby caused damages. Since the counter petitioner is an Assistant Commissioner of Police, the respondents have not shown any interest to enquire the matter. He further submitted that the respondents closed the complaint and also furnished the closure report without properly examined. Therefore, 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 one Hemalatha, who is the aunt of the petitioner, is an Inspector of Police and she has prior enmity with the counter petitioner. At the instigation of the said Hemalatha, the present complaint has been lodged by the petitioner. He would further submit that on the date of occurrence, the counter petitioner/Assistant Commissioner of Police has not driven the vehicle and he was not present at the time of occurrence. It is also submitted that during investigation, all the witnesses were examined and on that basis, the complaint was closed and closure report has also been furnished. Hence, he prays for dismissal.

4.Considering the rival submissions made on both sides and on perusing the file produced by the respondents reveals that the said Hemalatha, the petitioner and the related witnesses were examined. On that basis, complaint was closed and closure report has also been furnished. Recording the same, the Criminal Original Petition stands disposed of. However, a liberty is given to the petitioner to work out his remedy before the appropriate forum.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
E-1 Mylapore police station
Chennai-4.

2.The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai-7.

3.The Public Prosecutor
High Court, Chennai.

+2 ccs to M/s.Nirmaleswar, Advocate, sr.21917

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