

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5619 of 2016

A.Raji

.. Petitioner/Defecto Complainant

Vs.

1.State rep. by
The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Veppery, Chennai.

2.The Deputy Commissioner of Police
Triplicane, Chennai.

3.The State rep. by
the Inspector of Police
G-7 Chetpet police station
Chennai.

.. Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the third respondent to register a case in C.S.R.No.255/CSR/G7 PS(X)/2015 on 08.08.2015 issued by the third respondent.

For Petitioner :Mr.L.C.M.Lazuras

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 third respondent to register a case pertaining to the petitioner's complaint dated 08.08.2015 in CSR.No.255 of 2015 on the file of the third respondent.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the first respondent on 15.09.2014 and the same was forwarded to the second and third respondents and after receipt of the same,

C.S.R.No.255/CSR/G7 PS(X)/2015 has been given. But the respondents 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 on the basis of the complaint given by the petitioner, petition enquiry has been conducted and during that enquiry, the counter petitioner undertook to repay the amount in monthly installments and that the complaint was closed. Since the counter petitioner has not repaid the amount, the petitioner has come forward with this petition.

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

5.The averments made in the petition itself shows that for getting job, the amount was paid by way of cheque and the same has been received by the counter petitioner. Merely because the counter petitioner has given an undertaking to repay the amount, the complaint should not have been closed. Hence, the closure report furnished by the respondents is hereby reopened. The third respondent is directed to conduct 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Veppery, Chennai.

2.The Deputy Commissioner of Police
Triplicane, Chennai.

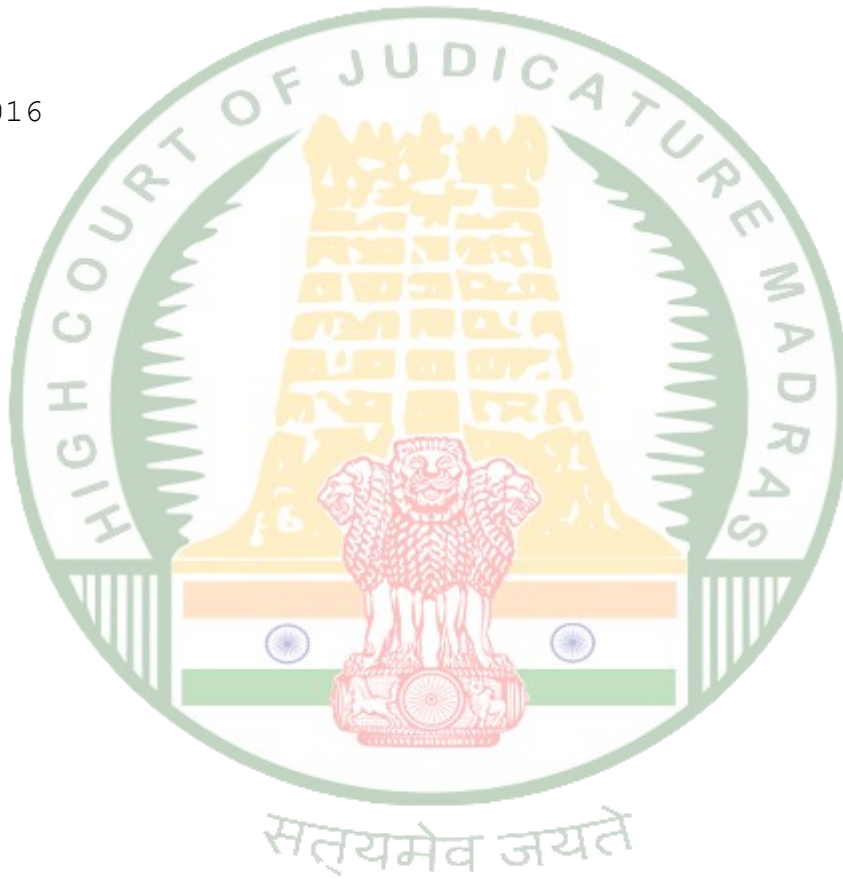
3.The State rep. by
the Inspector of Police
G-7 Chetpet police station
Chennai.

4.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.L.C.M.Lazuras Advocate sr.16466

Cr1.O.P.No.5619 of 2016

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