

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5629 of 2016

1.B.Suresh
2.A.Mohan
3.A.Rajesh
4.K.A.Rajendran
5.B.Manokaran
6.R.Malarkodi
7.S.Subhakaran
8.B.Viswanathan
9.M.Senthil Kumaran
10.S.Murugesan
11.S.Sathish

... Petitioners

Vs.

1.The State rep. by
The Superintendent of Police,
Udhagamandalam, The Nilgiris.
2.The Inspector of Police,
District Crime Branch,
Udhagamandalam, The Nilgiris.

... 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 05.10.2015 and to secure the accused and take action in accordance with law.

For Petitioner : Mr.J.R.Prabhakaran

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 05.10.2015.

2.The learned counsel for the petitioners submitted that the petitioners have lodged a complaint before the second respondent on 05.10.2015. The counter petitioner has received

Rs.33,50,000/- for getting job as Conductor and Mechanic in Tamil Nadu State Transport Corporation. Since the counter petitioner neither issued appointment order nor repaid the amount, the petitioner has lodged the complaint. But the respondents have not shown any interest to enquire the matter and register the case. 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 as soon as the complaint has been received, both the parties were called for enquiry and the counter petitioner had given an undertaking to repay the amount, which had already been received. On that basis, the said complaint was closed on 12.11.2015. Now the respondents came to know that the amount has not been repaid to the beneficiaries. Hence, he leaves the matter for Court's consideration.

4.Heard both sides.

5.A perusal of the typed set of papers reveals that as the counter petitioner had given an undertaking to repay the amount, the petitioner's complaint was closed on 12.11.2015. But till now, the amount has not been repaid to the beneficiaries. Under such circumstances, it is a fit case to reopen the closure report furnished by the respondents. Accordingly, the closure report is hereby reopened and the second respondent is directed to conduct enquiry afresh 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.

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Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of Police,
Udhagamandalam, The Nilgiris.

2.The Inspector of Police,
District Crime Branch,
Udhagamandalam, The Nilgiris.

3.The Public Prosecutor, High Court, Chennai.

KR/15/4/16