

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5640 of 2016

and

Cr1.M.P.No.4151 of 2016

S.Navaneethan

.. Petitioner

Vs.

The Deputy Superintendent of Police
Sirkazhi police station
Nagapattinam District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Cr.P.C., to direct the respondent to register a case based on the petitioner's complaint dated 20.10.2015 and investigate the same in accordance with law.

For Petitioner : Mr.K.Arunagiri

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

For intervenor : Mr.K.M.Subrahmaniam

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent to register a case pertaining to the petitioner's complaint dated 20.10.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 20.10.2015 and reminder has also been sent to the respondent. 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.Learned Additional Public Prosecutor submits that on the basis of the petitioner's complaint, enquiry has been conducted and the same was closed. But he fairly conceded that the statement given by the petitioner does not find place.

4.Considering the rival submissions made on both sides, the petitioner has given complaint on 20.10.2015 and subsequently, he has given another complaint on 25.01.2016. According to the learned Additional Public Prosecutor, even though enquiry has been conducted and the same was closed, there is no evidence to show that the petitioner was examined by the respondent. Under such circumstances, the closure report furnished by the respondent is hereby reopened. The respondent is directed to enquire the matter 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. The petitioner is directed to appear before the respondent for enquiry on 12.04.2016.

5.The Criminal Original Petition is disposed of with the above direction. As per the Honourable Apex Court, there is no necessity for intervention before the case has been registered. Hence, the petition in CrI.M.P.No.4151 of 2016 stands dismissed.

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Deputy Superintendent of Police,
Sirkazhi Police Station,
Nagapattinam District.

2.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.K.Arunagiri, Advocate Sr 21894

KR/12/4/16

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