

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Cr1.O.P.No.5647 of 2016

V.Pappa

...Petitioner

Vs.

State rep.by

1.The Commissioner of Police,
St. Thomas Mount, Chennai-16.

2.The Assistant Commissioner of Police,
Valasaravakkam, Chennai.

3.The Inspector of Police,
J-1, Saidapet Police Station,
Saidapet, Chennai.

4.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 4th respondent to take appropriate action as per law, on the basis of the petitioner's complaint dated 04.03.2016.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the 4th respondent to take appropriate action on the basis of the petitioner's complaint dated 04.03.2016.

2.The learned counsel appearing for the petitioner would submit that the petitioner's son Rajendran died on 01.12.2015 under mysterious circumstances, who is one of the Partners of "Alwin Golden City Limited", the real estate plot promoters and the complaint has been given to the 3rd respondent on the

same day. He further submitted that her daughter-in-law namely, Devi along with henchmen came to the office and took steps to take over the entire business. On 28.12.2015, the petitioner's younger son Rajadurai was appointed as the President of the said firm and they sent a communication to the petitioner's daughter-in-law, who is one of the Directors in the said firm, but, she has refused to receive the same. Now, she has attempted to misappropriate all the properties belonging to the said firm. When it was questioned by the petitioner, she made a criminal intimidation against them and hence, the petitioner has given a complaint on 04.03.2016 to the respondents but, the Police has not taken any steps. Therefore, the petitioner has come forward with this petition for the above stated relief.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the respondents have received the said complaint only by post, which has not been contained any signature. He further submitted that even though they have given summons to the petitioner to appear for enquiry, she has not co-operated with the enquiry. Hence, the petition enquiry was closed on 19.03.2016.

4.Considering the submissions made by both sides that the complaint has not contained any signature of the petitioner and because of her non-co-operation, it was closed, the petitioner is directed to give a fresh complaint with signature in person and on receipt of the same, the 4th 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.

The Criminal Original Petition is disposed of with the above direction.

mps

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
St. Thomas Mount, Chennai-16.

2.The Assistant Commissioner of Police,
Valasaravakkam, Chennai.

3.The Inspector of Police,
J-1, Saidapet Police Station,
Saidapet, Chennai.

4.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

5.The Additional Public Prosecutor,
Madras High Court, Madras.

+ 1 cc to Mr.I.Paul Noble Devakumar, Advocate Sr 4766

KR/4/4/16

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