

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.5686 of 2016

K.N.Arunkanth

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Central Crime Branch,
Chennai City,
Veppery,
Chennai-600 007.

2.The Inspector of Police,
N-4, Fishing Harbour Police Station,
Royapuram,
Chennai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to register a case on the basis of the petitioner's complaint dated 23.02.2016 and investigate the matter in accordance with law.

For Petitioner :Mr.K.R.Selvarajkumar

For Respondents :Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the 1st respondent to register a case on the basis of the petitioner's complaint dated 23.02.2016 and investigate the matter in accordance with law.

2.The learned counsel for the petitioner submitted that the counter petitioner has misappropriated the amount of Rs.14,00,000/-, which was denoted for the poor children of fisherman communities and also the lease amount of the Association of Rs.30,00,000/-. Hence, the petitioner has given a complaint to the 1st respondent, however, the respondents have not shown any interest to enquire the matter and to register an FIR. Hence, 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 there are 18 villages of fisherman communities and they have elected the President in 18 villages on rotation basis. Mr.R.Sivakumar, Ex-President of the Association, after his tenure, has not handed over the accounts to the successors and therefore, law and order problem arose. Hence, the matter was referred to the Tahsildar and he locked the office. Further, enquiry has been conducted and closed. Hence, he prays for dismissal of this petition.

4.Considering the rival submissions made on both sides that the counter petitioner has misappropriated the funds of the Association of Rs.44,00,000/-, which was denoted for the poor children of the fishermen villages and after receipt of the complaint, no statement has been recorded from the petitioner and the statement under Section 161 CrPC has been recorded and petition enquiry has been closed. Hence, the closure report furnished by the respondent is hereby reopened. The 1st respondent is directed to conduct enquiry expeditiously 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 also directed to produce all the relevant documents before the 1st respondent police on 15.04.2016.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Deputy Commissioner of Police,
Central Crime Branch,
Chennai City,
Veppery,
Chennai-600 007.

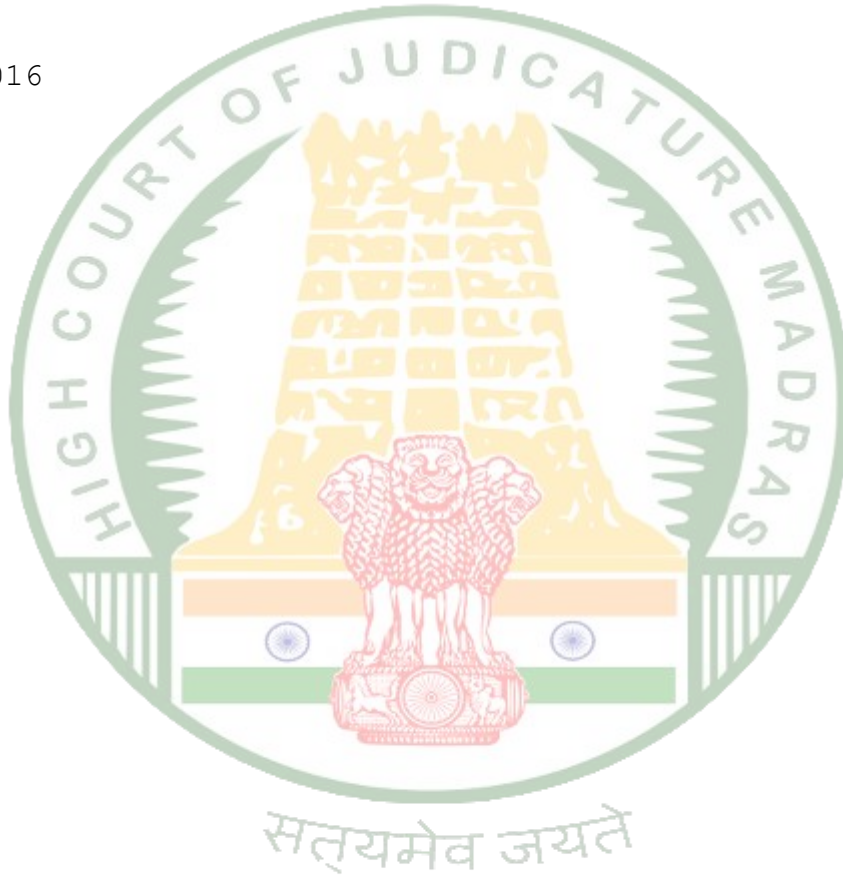
2.The Inspector of Police,
N-4, Fishing Harbour Police Station,
Royapuram,
Chennai.

3.The Public Prosecutor,
Madras High Court,
Madras.

+1 cc to Mr.K.R.Selvarajkumar Advocate sr.22701

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