

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.5782 of 2016

Mr.K.Inderchand

... Petitioner

Vs.

The State rep by
The Inspector of Police
C.C.B. Land Grabbing Cell,
Vepery, Chennai.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent to register the complaint dated 29.02.2016 given by the petitioner.

For Petitioner : Mr.C.Sangamithirai

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent to register the complaint dated 29.02.2016 given by the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent police on 29.02.2016, 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.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that on the basis of the complaint given by the petitioner enquiry was conducted and it was closed on 15.03.2016 and closure report has also been sent. Hence, he prayed for the dismissal of the petition.

4.This Court considered the rival submissions made on either side. A perusal of the file produced by the learned Additional Public Prosecutor would reveal that the complaint has been closed only on the basis that no document has been produced by

the petitioner. But the petitioner while he was examined by the respondent has deposed that all the documents were produced before the Poonamallee Police Station when he has given the complaint. But, the complaint has been closed as if no document has been produced.

5.Hence, this Court feels that it is a fit case for setting aside the closure report. Accordingly, the closure report is set aside. The respondent is directed to get the documents received by the Poonamallee Police Station and conduct the 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. The petitioner is directed to appear before the respondent police on receipt of summons.

6.With the above direction, this Criminal Original Petition is disposed of.
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s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
C.C.B. Land Grabbing Cell,
Vepery, Chennai.

2.The Public Prosecutor
High Court, Madras.

+ 1 cc to M/s.C.Sangamithrai, Advocate SR 22059

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