

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.5816 of 2016

Pushpalatha

... Petitioner

Vs.

1.The District Superintendent of Police,
Vellore,
Vellore District.

2.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam. ... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to register the petitioner's complaint dated 05.03.2016.

For Petitioner : Mr.C.R.Malarvannan

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent police to register the petitioner's complaint dated 05.03.2016.

2.The learned counsel for the petitioner submitted that earlier the petitioner has lodged a complaint and it has been received by the first respondent in C.No.2 of 2015 dated 09.05.2015 and the matter has been compromised and the counter petitioner has given undertaking to repay the amount. Hence, it was closed. Since the counter petitioner has not repaid the entire amount, the petitioner has given a complaint dated 05.03.2016 before the second 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.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that the second respondent police has not received the complaint dated

05.03.2016. He would further submit that already the petitioner has given a complaint, it has been enquired and closed.

4.Considering the rival submissions made on either side and since the complaint dated 05.03.2016 has not been received by the second respondent police, the petitioner is directed to give a fresh complaint to the second respondent within a period of one week from the date of receipt of a copy of this order and the second respondent on receipt of the same, is directed to enquire the matter 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.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Superintendent of Police,
Vellore,
Vellore District.

2.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.N. Mhohideen Basha, Advocate, S.R.No.22254

PUR(CO)
EU(26/04/2016)

Cr1.O.P.No.5816 of 2016