

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Criminal Original Petition No. of 6168 of 2016

K.S.Kumaarasamy

: Petitioner

Vs.

The Inspector of Police,
Ice House Police Station,
Triplicane,
Chennai-600 005.

: Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the Inspector of Police, Ice House Police Station, Triplicane, Chennai-600 005, to register the First Information Report based on the complaint of the petitioner in CSR No.163 of 2016 dated 07.03.2016.

For Petitioner :Mr.T.G.Brusly Gopal

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

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the respondent to register a case, based on the complaint given by him on 07.03.2016 in CSR No.163 of 2016.

2. The learned counsel for the petitioner submitted that the petitioner was called for enquiry and attended enquiry in CSR No.163 of 2016 but, the respondent has not shown any interest to register an FIR. Hence, the petitioner has come forward with this petition for the above stated relief.

3. Resisting the same, the learned Additional Public Prosecutor would submit that the petition enquiry has been conducted and it was closed as civil in nature and the closure report is yet to be furnished.

4. On perusal of the typedset of papers, it reveals that the petitioner is a tenant in the house of one D.Venkatesh and that has been purchased from one Amararam. Since the counter petitioner has attempted to evict the petitioner from the said

property, the petitioner has filed a suit in O.S.No.1218 of 2016 before the City Civil Court, Chennai and obtained an order of interim injunction. Though the alleged occurrence has been taken place on 06.03.2016 and the documents filed by him would show that prima facie evidence has been produced, the respondent has not registered the case. I am unable to understand as to why this petition has been closed, though CCTV footage has been given to the respondent, and hence, the closure report has to be reopened.

5. Considering the rival submission made on both sides, the respondent is directed to reopen the case and conduct the 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.

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

s/d-
Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Ice House Police Station,
Triplicane,
Chennai-600 005.
2. The Additional Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to Mr.T.G.Brusly Gopal, Advocate SR 18097

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CrI.O.P.No.6168 of 2016

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