

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.6213 of 2016

A.Arif Batcha .. Petitioner/De-facto Complainant

Vs.

1.The Superintendent of Police
Nagapattinam District
Nagapattinam.

2.The Inspector of Police
Nagapattinam police station
Nagapattinam District.

.. Respondents/Complainants

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register a case on the basis of the petitioner's complaint dated 01.02.2016.

For Petitioner : Mr.Swami Subramanian

For Respondents : Mr.C.Emalias

Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking a direction to the second respondent to register a case pertaining to the petitioner's complaint dated 01.02.2016 and investigate the same in accordance with law.

2.The learned counsel for the petitioner submitted that the counter petitioner has posted the photos of petitioner's sister-in-law in a face book and made vulgar statements against her. Hence, the petitioner has lodged a complaint before the respondents on 01.02.2016 and C.S.R.No.41 of 2016 has also been given. He further submitted that during enquiry, the counter petitioner has produced the Sim card and tendered apology for his act. On that basis, the complaint was closed. Subsequently, the counter petitioner has repeated the same act. Hence, he sought for a direction to the respondents to register a case on the basis of the further material produced by the petitioner.

3.Today, the petitioner appears before this Court and submits that he had accepted the apology tendered by the counter petitioner and withdrawn the complaint. Subsequently, the counter petitioner posted the petitioner's sister-in-law's photos in a face book by following the same tactics and hence, he sought for a direction to the respondents to take action against the counter petitioner in accordance with law.

4.Heard the learned Additional Public Prosecutor.

5.Considering the submissions made on both sides, I am of the view, the closure report furnished by the respondents is hereby reopened and the second respondent is directed to conduct enquiry on the basis of the additional document filed by the petitioner 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 second respondent for enquiry on 27.04.2016 along with the additional document.

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

kj

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police
Nagapattinam District
Nagapattinam.

2.The Inspector of Police
Nagapattinam police station
Nagapattinam District.

3.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.Swami Subramanian, Advocate Sr 24728

KR/26/4/16

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