

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.6919 of 2016

A.Radhakrishnan

.. Petitioner

Vs.

1.The Inspector of Police
E-8 Kelambakkam police station
Kelambakkam
Thiruporur Taluk
Kancheepuram District.

2.The Superintendent of Police
Kancheepuram District
Kancheepuram.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register a case on the basis of the petitioner's complaint dated 14.02.2016 in C.S.R.No.84 of 2016 on the file of the first respondent police and to investigate the same.

For Petitioner : Mr.M.Sivavarthanan

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 respondents to register a case pertaining to the petitioner's complaint dated 14.02.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 14.02.2016 in C.S.R.No.84 of 2016. But the respondents have 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 counter petitioner has given a complaint, for which, C.S.R.No.87 of 2016

has been assigned. The counter petitioner has also given another complaint in C.S.R.No.92 of 2016 and on that basis, a case has been registered in Crime No.96 of 2016 for the offences under Sections 447, 427, 294(b), 379 and 506(ii) IPC. He would further submit that the petitioner has also lodged another complaint in relation to the occurrence said to have taken place on 11.03.2016, on which basis, a case has been registered in Crime No.98 of 2016 for the offences under Sections 341, 294(b) and 506(ii) IPC and Section 3(1)(x) of SC/ST Act. It is further submitted that one Govindaraj has lodged a complaint in respect of the property dispute and that the case has been registered in Crime No.99 of 2016 for an offence under Section 145 Cr.P.C. against both the petitioner and the counter petitioner in relation to the occurrence said to have taken place on 14.02.2016. Hence, he prays for dismissal of this petition.

4.Considering the rival submissions made on both sides, a case, which has been registered in crime No.99 of 2016 for the occurrence said to have taken place on 14.02.2016, is entirely different from that of the occurrence said to have taken place in the present complaint. Under such circumstances, even though C.S.R.No.84 of 2016 has been given on receipt of the present complaint dated 14.02.2016, no case has been registered so far. Under such circumstances, the first respondent is directed to 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.

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

kj

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
E-8 Kelambakkam police station
Kelambakkam
Thiruporur Taluk
Kancheepuram District.

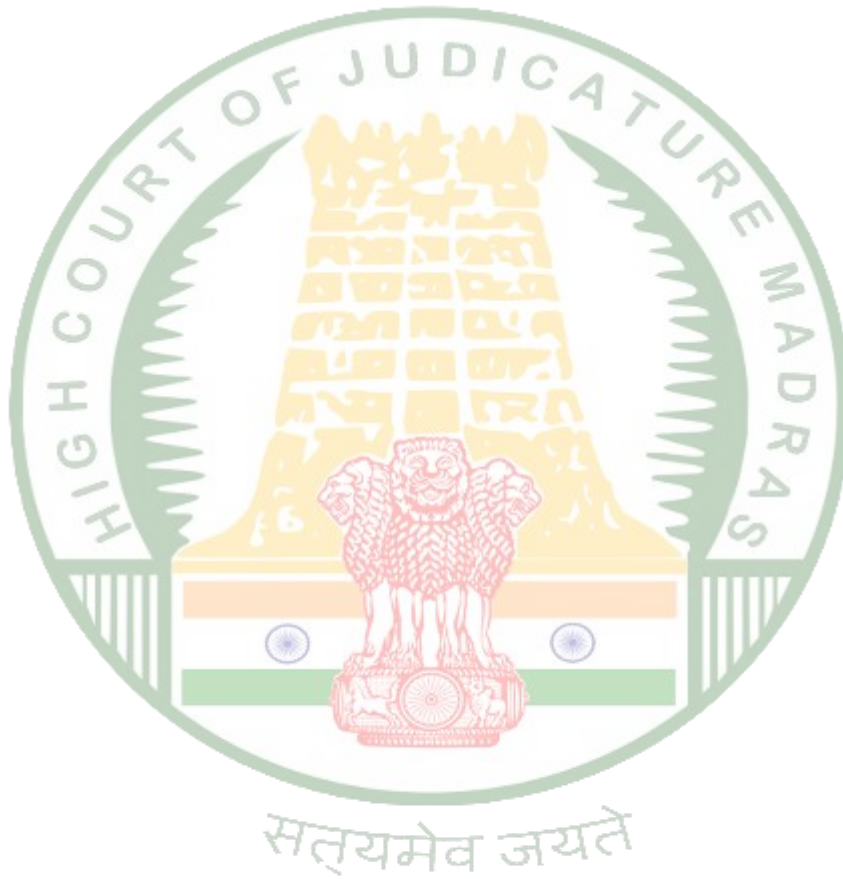
2.The Superintendent of Police
Kancheepuram District
Kancheepuram.

3. The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.M.Sivavarthanan, Advocate SR 20240

ev(co)
prk5/4

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