

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.6947 of 2016

A.Dhanapal

... Petitioner

Vs

1. The Inspector of Police,  
Komarapalayam Police Station,  
Erode District.
2. Superintendent of Police,  
Erode District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction, to direct the first respondent to register the case based on the petitioner's complaint dated 29.09.2014 and to investigate into the matter in accordance with law.

For Petitioner : Mr.G.Pavendhan

For Respondent : Mr.C.Emalias  
Additional Public Prosecutor

सत्यमेव जयते  
O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the first respondent to register a case on the basis of the complaint given by the petitioner on 29.09.2014.

2. The learned counsel appearing for the petitioner would submit that the petitioner has given a complaint to the respondent as early as on 29.09.2014, but, however, the respondent police had not taken any steps to register a case and 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 has been conducted and the complaint has been closed. He further submitted that the statement of the petitioner is not available, however, the statement of the petitioner's wife is only available.

4. Considering the rival submissions made on both sides, I am of the view that since the statement of the petitioner is not available and the statement of the petitioner's wife is only available, it is a fit case to re-open the closure report and enquire the matter afresh. Hence, the first respondent is directed to re-open the case and expedite 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.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Inspector of Police,  
Komarapalayam Police Station,  
Erode District.
2. The Superintendent of Police,  
Erode District.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.G.Pavendhan, Advocate, S.R.No.27968

Cr1.O.P.No.6947 of 2016

SV(CO)  
CA(17/05/2016)