

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7733 of 2016

K.Krishnaswamy

.. Petitioner

Vs.

The Inspector of Police,
Kottur Police Station,
Kottur,
Pollachi.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police to file an FIR on the complaint of the petitioner made in C.S.R.No.253 of 2015 dated 28.11.2015 and to take necessary action expeditiously on such complaint and complete the same within a frame of time as may be fixed by this Court.

For Petitioner : Mr.Silambanan
Senior Counsel
for M/s.Kaavya Silambanan Associates

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction to the respondent police to register a case pertaining to the petitioner's complaint dated 28.11.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 28.11.2015, for which, C.S.R.No.253 of 2015 has been given. 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 on receipt of the complaint from the petitioner, C.S.R.No.253 of 2015 has been assigned. He would also submit that the petitioner has not co-operated for enquiry. He further submitted that since the civil suit is pending between the parties, the complaint was closed as civil dispute.

4.Considering the rival submissions made on both sides that already civil suit has been filed in O.S.No.408 of 2014 and the same was disposed on 30.08.2015 and according to the learned Additional Public Prosecutor, because of the non-cooperation of the petitioner, the complaint was closed on 08.04.2016, I am of the view that it is a fit case to re-open the closure report and enquire the matter afresh. Therefore, the 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. The petitioner is also directed to appear before the respondent police on 20.04.2016 with all the relevant documents.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Kottur Police Station,
Kottur, Pollachi.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to M/s.Kaavya Silambanan Associates sr.23265

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