

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7741 of 2016

Chinna Thimmarayappa

.. Petitioner

Vs.

1.The Superintendent of Police
Krishnagiri.

2.The Inspector of Police
Kelamangalam police station
Hosur Taluk, Krishnagiri District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to re-investigate and register the case on the petitioner's complaint dated 11.06.2015 and take necessary action.

For Petitioner :M/S.N.Sureka

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 11.06.2015 and investigate the same in accordance with law.

2.The learned counsel for the petitioner submitted that the petitioner lodged a complaint stating that the petitioner's daughter had committed suicide and on that basis, a case in Crime No.301 of 2014 has been registered under Section 174 Cr.P.C. and the same has been closed as action dropped as the deceased committed suicide. Therefore, the petitioner has given a representation dated 11.06.2015 to the District Collector and the first respondent herein by making allegations against his neighbour namely, Viji @ Vijayakumar and his wife Kanaga. 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 on the basis of the complaint given by the petitioner, the case in Crime No.301 of 2014 has been registered. In the complaint, the petitioner stated that her daughter died due to stomach pain and he has no doubt in the death of her daughter. Hence, they closed the F.I.R. as action dropped. Now the petitioner has given representation by making allegations against his neighbours. It is further submitted that investigation is almost completed and awaits for viscera report. Hence, he prays for dismissal.

4.Considering the rival submissions made on both sides, the alleged occurrence said to have taken place on 18.05.2015 and the petitioner's daughter died on 23.05.2015. Now investigation is going on. Under such circumstances, there is no necessity for register a case on the fresh complaint. Therefore, the second respondent police is directed to enquire the matter on the basis of the representation given by the petitioner dated 11.06.2015 and also file a report in accordance with law.

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

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s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police
Krishnagiri.

2.The Inspector of Police
Kelamangalam police station
Hosur Taluk, Krishnagiri District.

3.The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.C.Samivel, Advocte SR 23374

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