

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.78 of 2016

A.Esakimuthu

... Petitioner

Vs.

1. The Commissioner of Police,
Veppery,
Chennai-600 009.
2. The Assistant Commissioner of Police,
Selaiyur,
East Tambaram,
Chennai.
3. Mr.Ponraj,
Inspector of police,
Selaiyur Police Station,
Selaiyur, East Tambaram,
Chennai.
4. Mr.Dhanasekaran,
Sub-Inspector of Police,
Selaiyur Police Station,
Selaiyur, East Tambaram,
Chennai.
5. Mrs.Indra,
Inspector of Police,
ALL Women Police Station,
Selaiyur, East Tambaram,
Chennai.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., praying to direct the respondents 1 & 2 to register a case based on the complaint given by the petitioner dated 29.11.2015 against the respondents 3 to 5 and to file final report within a stipulated time.

For Petitioner	: Mr.S.Arivazhagan
For Respondents	: Mr.C.Emalias, APP.

ORDER

This petition has been filed by the petitioner praying to direct the respondents 1 & 2 to register a case based on the complaint given by the petitioner dated 29.11.2015 against the respondents 3 to 5 and to file final report within a stipulated time.

2. In the affidavit filed in support of this petition, it has been averred by the petitioner that the petitioner is doing real-estate business. On 09.11.2015 at about 11.30 pm, he received a call from Selaiyur Police station for an enquiry on the petitioner's complaint. The petitioner went to the Police Station along with one Mariya Lukas and Ramu Devar and Karunakaran. While they were sitting in the Police station, the petitioner's counter part one Murugan was also there. In fact, the said Murugan hired one Denial, who was the prime accused in a murder case of one Gevajothe. Earlier, the said Denial had brutally attacked the petitioner and ransacked the petitioner's office, with the help of his henchmen. With regard to the said incident, the petitioner's staff Mr. Ramu Devar already lodged a complaint on 19.11.2015 before the Inspector of Police, Selaiyur Police Station; but, he had refused to issue CSR for his complaint. Subsequently, the petitioner's staff Mr. Ramu Devar had filed CrI.O.P.No.28424 of 2015 for registration of the complainant and this Court by order dated 25.11.2015 directed the petitioner's staff to lodge a fresh complaint and further, directed to conduct enquiry and proceed further in accordance with law. Based on the complaint forwarded by the Deputy Commissioner of Police, the petitioner was called for an enquiry. When the petitioner and others came to the police-station, they were threatened by the respondents 3 to 5. Hence, the petitioner lodged a complaint dated 29.11.2015. Since no action was taken by the 1st respondent, the petitioner has come forward with the present petition.

3. Heard both sides. It is submitted by the learned counsel Additional Public Prosecutor that on the complaint given by the petitioner, thorough enquiry was conducted and after conducting enquiry, the complaint given by the petitioner was closed on 11.01.2016. The learned Additional Public Prosecutor has also produced a copy of the closure report for perusal of this Court.

4. In view of the submission made by the learned Additional Public Prosecutor, I am of the opinion that since the petitioner's complaint has already been closed, this Court cannot give any direction as sought for by the petitioner in this petition, at this stage. However, the petitioner is at liberty to seek his further remedy in the manner known to law.

Accordingly, this criminal original petition is closed.

SSV

-s/d-
Assistant Registrar (CS-Vi)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Veppery, Chennai-600 009.
2. The Assistant Commissioner of Police,
Selaiyur, East Tambaram, Chennai.
3. Mr. Ponraj,
Inspector of police,
Selaiyur Police Station,
Selaiyur, East Tambaram,
Chennai.
4. Mr. Dhanasekaran,
Sub-Inspector of Police,
Selaiyur Police Station,
Selaiyur, East Tambaram,
Chennai.
5. Mrs. Indra,
Inspector of Police,
ALL Women Police Station,
Selaiyur, East Tambaram,
Chennai.
6. The Public Prosecutor,
Madras High Court, Madras.

+ 1 cc to Mr. S. Arivazhagan, Advocate SR 6032

sr(co)
prk9/2

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