

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.8287 of 2016

A.Sundaramurthy

.. Petitioner

Vs.

State rep. by
Inspector of Police
P-5 MKB nagar police station
Vyasarpadi, Chennai-39.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case on the basis of the petitioner's complaint dated 30.01.2016 and investigate the same and file a final report.

For Petitioner :Dr.G.Krishnamoorthy for
Mr.JB.Solomon Peter Kamaldoss

For Respondent :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking a direction to the respondent to register a case pertaining to the petitioner's complaint dated 30.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 30.01.2016 and C.S.R.No.37 of 2016 has also been assigned. 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 the petitioner is

an accused in Crime No.6 of 2016 for offences punishable under Sections 498A, 406 and 506(ii) IPC. He would further submit that since the petitioner did not co-operate for enquiry, his complaint was closed and his statement was also not recorded.

4.Considering the rival submissions made on both sides, even though C.S.R.No.37 of 2016 has been assigned on the basis of the complaint lodged by the petitioner, the petitioner's complaint was closed without enquired him. Therefore, the closure report is hereby reopened. The respondent is directed to conduct 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 directed to appear before the respondent for enquiry on 28.04.2016 along with 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.Inspector of Police
P-5 MKB nagar police station
Vyasarpadi, Chennai-39.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.J.B.Solomon Peter Kamaldoss Advocate
sr 25091

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