

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.8467 of 2016

Alwin Jacob Raj

.. Petitioner

Vs.

The State rep. by
Inspector of Police
B2 Esplanade police station
Chennai-104.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case based on the petitioner's complaint and file the F.I.R. against the accused for the complaint dated 28.03.2016 vide C.S.R.No.152/2016.

For Petitioner:Mr.M.Udhayakumar

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 28.03.2016 in C.S.R.No.152/2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged the complaint before the respondent on 28.03.2016 and C.S.R.No.152 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 on the basis of the complaint given by the petitioner, petition enquiry in C.S.R.No.152 of 2016 has been enquired and the same was closed on 31.03.2016. But he fairly conceded that statement of the

petitioner has been recorded only under Section 161 Cr.P.C.

4.Considering the rival submissions made on both sides and on perusing the typed set of papers, I am of the view that it is a fit case to reopen the closure report. Accordingly, the closure report is hereby reopened. The respondent is directed to conduct enquiry afresh 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 05.05.2016 along with the relevant documents.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police
B2 Esplanade police station
Chennai-104.

2.The Public Prosecutor
High Court, Chennai.

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