

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.8924 of 2016

Jawahar Campus, 'A' Block,
Flat Owners Association Reg.No.1186/2016
Rep. by its Secretary L.Sudharsan
Flat No.A-33, 'A' Block,
New No.63A, Old No.23A, First Main Road,
Jawahar Nagar, Chennai - 600082.

... Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Chennai - 600 007.

2. The State rep. by Inspector of Police,
K-5 Pervallur Police Station,
70 Feet Road, Chennai - 600 082.

... Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent to register the FIR at an early date without any further delay based on the complaint dated 17.01.2016 under C.S.R.No.16/2016 dated 17.01.2016 issued by the second respondent herein.

For Petitioner : Mr.C.Jaganathan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction to the second respondent police to register a case pertaining to the petitioner's complaint dated 17.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 17.01.2016, for which, C.S.R.No.16 of 2016 has been assigned. 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 receipt of the complaint from the petitioner, petition enquiry in C.S.R.No.16 of 2016 has been conducted and closed. But, he has fairly conceded that the statement of the petitioner does not find place in the file.

4.Considered the rival submissions made on both sides and perused the typed set of papers.

5.The petitioner has given a complaint before the respondents on 17.01.2016, for which, C.S.R.No.16 of 2016 has been given. According to the learned Additional Public Prosecutor, on the basis of the complaint given by the petitioner, enquiry has been conducted and closed and he has fairly conceded that the statement of the petitioner does not find place in the file. Hence, I am of the view that it is a fit case to re-open the closure report and enquire the matter afresh. Therefore, the second 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 06.05.2016 with all the relevant documents.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse
To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
K-5 Pervallur Police Station,
70 Feet Road, Chennai - 600 082.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Thangavel, Advocate, S.R.No.27042

Cr1.O.P.No.8924 of 2016

AD(CO)
CA(04/05/2016)