

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.9028 of 2016

B.Racky Swaris

.. Petitioner

Vs.

The Inspector of Police,
F-5 Choolaimedu Police Station,
Chennai.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent to register the case based on the complaint given by the petitioner dated 18.01.2016 and file a final report within stipulated time.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction to the respondent police to register a case pertaining to the petitioner's complaint dated 18.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 18.01.2016. 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 receipt of the complaint from the petitioner, petition enquiry 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 respondent on 18.01.2016. 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. But on perusal of the file, it is seen that the statement of the counter petitioner has been recorded, in which, he undertook to produce the document, but he has not appeared and produced the document. So, without any basis the closure report has been prepared. 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 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
F-5 Choolaimedu Police Station,
Chennai.

2.The Public Prosecutor
High Court, Chennai.

+lcc to Mr.S.Arivazhagan, Advocate Sr.27799

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