

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.07.2016**

WEB COPY

CORAM:**THE HONOURABLE DR. JUSTICE S.VIMALA****Crl.O.P. (MD) .No.11711 of 2016**

A.Halidh

.. Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Theni District, Theni.

2.The Inspector of Police,
South Police Station,
Koodalur, Theni District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the second respondent to register a case of the fire accident to the petitioner's lorry on the strength of the petitioner's complaint dated 05.02.2016 and the subsequent complaint dated 22.06.2016 and to direct the 2nd respondent to file the report of action taken in accordance with law.

For Petitioner : Mr.M.Sendhilkumar

For respondents : Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the second respondent to register a case based on the complaint of the petitioner dated 05.02.2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner has given a petition in person to the second respondent on 05.02.2016, but it was refused to be received and hence, he sent the same to the respondents through registered post on 22.06.2016. As there was no response to the same, the petitioner has come up with this petition. He would further submit that



unless the complaint is registered, the petitioner cannot make a claim for insurance, so far as the fire of the lorry is concerned.

4.The learned Government Advocate (Criminal Side) would submit that the second respondent would consider the complaint of the petitioner dated 05.02.2016 in accordance with law.

5.In view of the above submission, the second respondent is directed to consider the complaint of the petitioner dated 05.02.2016 along with the certificate dated 23.03.2016 issued by the District Fire Officer, Fire Service, Theni, expedite the enquiry and complete the same within a period of one month from the date of receipt of a copy of this order. During the course of enquiry, if any cognizable offence is made out, the second respondent police shall take action in accordance with the law laid down by the Hon'ble Apex Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**. In case of closure of the complaint, a copy of the closure report be furnished to the petitioner within a week of such closure. On receipt of the same, it is open to the petitioner to work out his remedy in the manner known to law.

6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

gcg

To

1.The Superintendent of Police, District Police Office,
Theni District, Theni.

2.The Inspector of Police, South Police Station,
Koodalur, Theni District.

3.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.M.Senthilkumar, Advocate Sr.No.37013

GJM/SK/SKN/SAR-II-18.7.16-2p-5c

Cr1.O.P (MD) No.11711 of 2016

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