



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P. (MD).No.14259 of 2016

Mohamed Junaideen

.. Petitioner

Vs.

State rep. by

1.the Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
District Crime Branch,
Sivagangai District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the second respondent to register the petitioner's complaint dated 30.03.2016 as an FIR and further direct her to investigate into the matter and to file the final report within a stipulated time.

For Petitioner

: Mr.R.Anand

For respondents

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

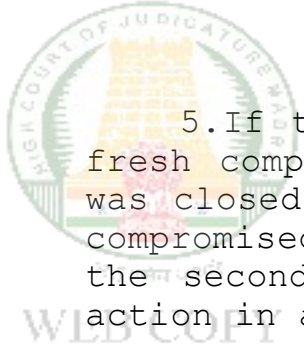
ORDER

It is an application seeking a direction to the second respondent to register a case based on the complaint of the petitioner dated 30.03.2016.

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

3.The learned Government Advocate (Crl. Side) would submit that the petitioner, believing the terms of compromise with the proposed accused, made a statement that no further action is required and therefore, it was closed.

4.The learned counsel for the petitioner would submit that the services of the Government Advocate were not carried into operation and therefore, the cause of action survives even now.



5.If the cause of action survives, the petitioner can file a fresh complaint and he cannot revive the earlier complaint which was closed on the basis of his statement that the matter has been compromised. If the petitioner files a fresh complaint, it is for the second respondent to consider the same on merits and take action in accordance with law.

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

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
District Crime Branch,
Sivagangai District.

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

+1cc to MR.R.Anand, Advocate SR.No.43431

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Cr1.O.P(MD)No.14259 of 2016
10.08.2016