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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD).No.7542 of 2016

and

Crl MP(MD)No.4470 of 2016

Malik Ali Babu

... Petitioner

-Vs-

1.The Commissioner of Police,
Alagarkoil Road, Madurai

2.The Inspector of Police,
B5 south Gate Police Station,
South Gate, Madurai City.

... Respondents

Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to register a case based on the petitioner's complaint dated 19.03.2016 forwarded by the 1st respondent under C.No.88/Camp/PG/COP/MC/2016 and to investigate the same in accordance with law.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.K.V.Rajarajan
Government Advocate (Crl.Side)

For intervenor : Mr.A.Arunprasad

ORDER

This petition has been filed for a direction to the 2nd respondent to register a case based on the petitioner's complaint dated 19.03.2016 forwarded by the 1st respondent under C.No.88/Camp/PG/COP/MC/2016 and to investigate the same in accordance with law.

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

3. According to the learned Government Advocate (Crl. Side), even though summons were issued to the petitioner to appear for enquiry, the petitioner did not appear for enquiry and as he did not cooperate, the complaint was closed.

4. The learned counsel for the petitioner submitted that the petitioner is very well available in the very same address, no summon was served upon him and that he is ready to cooperate with the enquiry to be conducted.

5. The learned counsel for the intervenor objected the relief sought for by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

6. The respondent ought not to have closed the complaint, without even examining the complainant. Accordingly, the petitioner and the



intervenor, if he desires, are directed to appear before the 2nd respondent police between 10.00am to 12.00p.m. on 23.06.2016 for enquiry/interrogation. The 2nd respondent is directed to 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 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.

With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Alagarkoil Road, Madurai

2.The Inspector of Police,
B5 south Gate Police Station,
South Gate, Madurai City.

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

+1cc to M/S.A.Saravanan, Advocate in SR.No.32026

Cr1.O.P. (MD) .No.7542 of 2016
and

Cr1 MP (MD) No.4470 of 2016
22.06.2016

RR/ar

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