



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.9722 of 2016

WEB COPY

A.Manikandan

: Petitioner

Vs.

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Deputy Inspector General of Police,
O/o.The Deputy Inspector General,
Sivagangai District.

3.The Superintendent of Police,
O/o.Superintendent of Police,
Sivagangai District.

4.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Sivagangai District.

5.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

: Respondents

Prayer: This petition is filed under Section 482 of Cr.P.C., to direct the 3rd respondent to register a case on the basis of the petitioner's complaint, dated 20.02.2016.

For Petitioner

: Mr.R.Ganeshprabhu

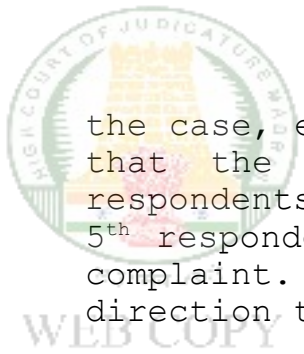
For Respondents

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

O R D E R

This petition is filed to direct the 3rd respondent to register a case on the basis of the petitioner's complaint, dated 20.02.2016.

2.The learned counsel appearing for the petitioner would submit that the petitioner has lodged a complaint before the 5th respondent police, but the 5th respondent police refused to register



the case, even the offences made in the complaint are cognizable and that the petitioner sent the complaint on 20.02.2016 to the respondents 1 to 5 by registered post with acknowledgement, but the 5th respondent threatened the petitioner to withdraw the complaint. Hence, the petitioner approached this court seeking for a direction to register a case based on his complaint.

3. Per contra, the learned Government Advocate (Criminal side) appearing for the respondents would submit that even though, the petitioner received the summon on 24.05.2016, he has not chosen to appear before the police and that again on 10.06.2016, the summon was issued directly to his residence to attend an enquiry on 12.06.2016, but he purposely he locked his house and went to some other place and hence, the summon had been pasted on his house through VAO on the same itself and hence, the petitioner's complaint was closed on 12.06.2016 after enquiring other four witness. Hence, the petition filed by the petitioner has to be dismissed.

4. Heard the both sides and perused the materials available on record.

5. In this case, the main contention of the learned Government Advocate (Criminal side) is that the petitioner has not appeared for enquiry even after receiving the summons and hence, the the 4th respondent police after enquiring other four witnesses, closed the case. Hence, this court is of the considered view that in the interest of justice, to give one more opportunity to the petitioner, the petitioner may be directed to appear before the 4th respondent police, for enquiry.

6. In view of the above circumstances, this petition is **disposed of** directing the petitioner to appear before the 4th respondent police, on the petition given by him, within a period of three weeks from the date of receipt of a copy of this order. On such appearance by the petitioner, the 4th respondent police is directed to deal with the petition, purely on merits and accordance with law.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To,

1. The Inspector General of Police,
South Zone,
Madurai.

2. The Deputy Inspector General of Police,
O/o. The Deputy Inspector General,
Sivagangai District.



3.The Superintendent of Police,
O/o.Superintendent of Police,
Sivagangai District.

4.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Sivagangai District.

5.The Inspector of Police,
Kalaiyarkovil Police St

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

+1 CC TO MR. R.GANESH PRABU,ADVOCATE, SR NO.531

MAS/SS2-KSM/19.01.2017:3P-8C

Cr1.O.P. (MD) No.9722 of 2016
4.01.2017