



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRL.O.P. (MD) No. 2448 of 2018

WEB COPY

M.B.Gopalaraman

.. Petitioner

Vs.

1. The Superintendant of Police,
Office of the Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Vadasery Police Station,
Vadasery, Nagercoil,
Kanyakumari District.

.. Respondents

Prayer : Petition filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register a case against the proposed accused person on the complaint made by the petitioner to the 2nd respondent dated 08.12.2017.

For Petitioner : Mr.R.Vinothkumar

For Respondents : Mr.K.Suyambulingabharathi,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the second respondent to register a case against the proposed accused on the basis of the petitioner's complaint dated 08.12.2017.

2. Heard the learned Counsel appearing on either side.

3. According to the learned counsel for the petitioner, even though the petitioner has made his complaint as early as on 08.12.2017, the second respondent neither conducted an enquiry nor registered a case. Hence, he come forward with the present petition.

4. The learned Government Advocate (Crl. Side), on instructions, would submit that the petitioner has already made a complaint, on 17.02.2017 and subsequently, filed Crl.O.P.(MD) No.14161 of 2017 before this Court, which was closed by recording



the statement of the Government Advocate that the complaint was closed as "Mistake of Fact". Now the petitioner has made the present complaint, but, he is not appearing before the respondents and not co-operating for the investigation.

5. In reply to the same, the learned Counsel for the petitioner would submit that the petitioner has appeared twice before the second respondent police for enquiry. He would also undertake that the petitioner will appear and co-operate for enquiry before the second respondent police.

6. In view of the foregoing discussions, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to issue summons to the petitioner, in the manner known to law and complete the enquiry within a period of two weeks from the date of receipt of a copy of this order. On receipt of summons, the petitioner shall appear before the second respondent and co-operate for enquiry, by honouring the undertaking given before this Court. Needless to say that if any cognizable offence is made out on the complaint of the petitioner, the respondents shall register the case and proceed the same in accordance with law.

7. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Vadasery Police Station,
Vadasery,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GK

<https://hccs.mca.gov.in/CaseDetails.aspx?CaseNo=2018/2P/4C>

CRL.O.P.(MD) No.2448 of 2018
23.07.2018