



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

Cr1.O.P.(MD)No.15270 of 2017

G.Sivalingam

... Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.

2. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents police to register a case on the basis of the petitioner's complaint dated 14.09.2017.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the respondents to register a case on the basis of the petitioner's complaint dated 14.09.2017.

2.According to the petitioner, he has made a complaint to the respondent police on 08.09.2017. The complaint was not taken on file by the second respondent police, without following the dictum laid down by the Hon'ble Apex Court in the case of **Lalita Kumari Vs. Govt. of U.P. and others**. In the said decision, the Hon'ble Apex Court had held that if the information discloses commission of cognizable offence, FIR must be registered. But in the present case, the respondent police have not registered the complaint. Therefore, the present Criminal Original Petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that an enquiry was conducted and the complaint was closed stating that the complaint is false.

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

4.In reply to the aforesaid submission, the learned counsel appearing for the petitioner submitted that the petitioner is having



materials to prove the allegations made in the complaint and the petitioner has not received any summons from the respondent police, and if summons are issued to the petitioner, the said materials would be placed before the respondent police.

5. In view of the aforesaid submissions made by the parties, this Court is inclined to grant liberty to the petitioner to place the materials before the respondent police and the respondents are directed to conduct an enquiry and issue summons to the petitioner to appear for the enquiry, within a period of three weeks from the date of receipt of a copy of this order and thereafter, the petitioner has to place the materials before the respondent police on the date of enquiry. If any cognizable offence is made out, the respondents have to register the complaint in accordance with law. If the petitioner has failed to produce the documents and appear for the enquiry, it is open to the respondents to close the said complaint.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
2. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.SUKUMAR, ADVOCATE IN SR No. 66090

MYR

TE/JC/SAR-3 : 27/06/2018 : 2P/5C

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