

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.27513 of 2019

M.Mahalakshmi

...Petitioner

Vs

1.The Superintendent of Police
Tiruppur District,
Tiruppur.

2.The Inspector of Police
Uthukuli Police Station,
Uthukuli,
Tiruppur District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents herein to take further action on the petitioner's complaint dated 28.12.2018 received by the second respondent in S.No.308/Uthukuli Police Station dated 28.12.2018.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents: Ms.Saratha Devi.V
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed to direct the respondents herein to take further action on the petitioner's complaint dated 28.12.2018 received by the second respondent in S.No.308/Uthukuli Police Station dated 28.12.2018.

2. The petitioner's complaint dated 28.12.2018 due enquiry was conducted and during the course of enquiry, it was revealed that the complaint is civil in nature and further since, the petitioner herein has given a letter stating that she would approach the Civil Court, the grievance of the petitioner's complaint came to be closed on 29.01.2019.

3. The learned counsel for the petitioner has filed an affidavit before this Court on 06.11.2019, sworn by the petitioner stating that the second respondent had never sent any intimation calling them for enquiry and she had no information

from the respondent for any such enquiry and the letter allegedly informing the second respondent / police for offering to settle before the Civil Court is also forged and that she has no intention to approach the Civil Court, since the cognizable offences are made out in the complaint itself. In my view, when the petitioner has stoutly denied that she had neither appeared before the second respondent nor given a letter, it can only be inferred that her grievance still remains and therefore, it would be appropriate to have the complaint enquired/ investigated further. However, since the second respondent had already expressed their opinion on the complaint of the petitioner, it would not be appropriate for the same Inspector of Police to enquire into the petitioner's complaint.

4. In the light of the above observations, there shall be a direction to the first respondent police to appoint an appropriate Investigating Officer to conduct a fresh enquiry on the petitioner's complaint dated 28.12.2018, in a fair and just manner and submit appropriate report as expeditiously as possible, before the concerned learned judicial Magistrate. Such an enquiry shall be conducted without reference to the earlier closure report or findings made therein by the second respondent herein. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vkr

1.The Superintendent of Police
Tiruppur District,
Tiruppur.

2.The Inspector of Police
Uthukuli Police Station,
Uthukuli,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.V.P.Sengottuvel, Advocate SR.No.96092

CrI.O.P.No.27513 of 2019

KJI (CO)
GMY (28/11/2019)