

J. Jebin Vs. The Superintendent of Police, Dindigul District and Another

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Court : Chennai Madurai

Decided On : Jun-28-2016

Judge : The Honourable Dr.(Mrs.) Justice S. Vimala

Appeal No. : Crl.O.P. (MD) No. 10025 of 2016

Appellant : J. Jebin

Respondent : The Superintendent of Police, Dindigul District and Another

Judgement :

(Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the complaint dated 23.08.2013 preferred by the petitioner for the offences punishable under Sections 294(b), 406, 420, 498(A) and 506(ii) IPC and Section 4 of Dowry Prohibition Act and to take action against the accused in accordance with law.)

1. This Criminal Original Petition has been filed, seeking to direct the 2nd respondent to register the complaint dated 23.08.2013 preferred by the petitioner for the offences punishable under Sections 294(b), 406, 420, 498(A) and 506(ii) IPC and Section 4 of Dowry Prohibition Act and to take action against the accused in accordance with law.

2. Learned Government Advocate (Crl.Side) would submit that pursuant to the non-cooperation on the side of the petitioner, the complaint 23.08.2013, preferred by the petitioner has been closed.

3. There is an undertaking by the learned counsel for the petitioner that the petitioner will co-operate for the enquiry.

4. Under such circumstances, the 2nd respondent is directed to conduct fresh enquiry into the matter and take action in accordance with law as per the dictum laid down by the Hon'ble Apex Court in Lalitha Kumari vs. Govt. of U.P and 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.

5. It is further directed that the respondents shall issue summons to the petitioner, giving a specific date, time and place, as and when the presence of the petitioner is required for enquiry. The petitioner shall cooperate for the enquiry.

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