

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP No.16262 of 2015
& MP.Nos.1 and 2 of 2015

M.Kumar

.. Petitioner

Vs

1.The Judicial Magistrate No.I,
Coimbatore,
Coimbatore District.

2.The Deputy Superintendent of Police,
District Crime Branch,
Coimbatore-641 018.

3.Mr.Jayaprakash

4.Mr.R.Balakrishnan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the summons issued by the first respondent dated 15.05.2015 to the summons issued by the first respondent dated 15.05.2015 and quash the same and further direct the second respondent to conduct impartial investigation in FIR in Crime No.14 of 2015 without any influence from the third respondent.

For Petitioner :Mr.P.Kannan Kumar

For R2 :Mr.Sanjai Gandhi, Additional Govt.Pleader

ORDER

Writ petition has been filed praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the summons issued by the first respondent dated 15.05.2015 to the summons issued by the first respondent dated 15.05.2015 and quash the same and further direct the second respondent to conduct impartial investigation in FIR in Crime No.14 of 2015 without any influence from the third respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the second respondent.

3.On a complaint lodged by this petitioner, the respondent Police registered a case in Crime No.14 of 2015 and after conducting investigation, they have closed the case as action dropped and they have filed closure report before the learned judicial Magistrate No.1, Coimbatore.

4.It is the contention of the petitioner that though the complainant participated in the enquiry by the respondent Police, the respondent Police did not conduct proper enquiry and they have closed the case perfunctorily. The learned Counsel also brought to the notice of this Court that in the summons dated 12.05.2015 issued by the Special Sub Inspector of Police, the date is given as 16.05.2015 but in the RCS notice, the date is given as 15.05.2015, which by itself shows that there has not been proper investigation of the case. There appears to be some force in the submission of the learned counsel for the petitioner. Be that as it may. Since, the closure report has been filed before the learned judicial Magistrate No.1, Coimbatore, the remedy available to the petitioner/defacto complainant is to file a protest application before the said learned Magistrate. The Special Sub Inspector of Police, District Crime Branch, is directed to furnish a copy of the closure report to the defacto complainant, so that he is able to make effective representation before the learned Judicial Magistrate. A copy of the closure report shall be furnished to the defacto complainant within a period of two weeks from the date of receipt of a copy of this order.

5.It is represented by the learned counsel for the petitioner Mr.P.Kannan Kumar that the petitioner appeared before the learned Judicial Magistrate No.1, Coimbatore on 11.06.2015 and the matter stands adjourned to 10.7.2015.

6. Hence, this petition is closed with liberty to the petitioner to file a protest application before the learned Judicial Magistrate No.1, Coimbatore, who shall deal with the same in accordance with laid down by the Supreme Court in Vinay Tyagi Vs. Irshad Ali (2013) 5 Sc 762. Consequently, connected miscellaneous petitions are also closed.

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-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.I,
Coimbatore, Coimbatore District.

2.The Deputy Superintendent of Police,
District Crime Branch, Coimbatore-641 018.

3.The Public Prosecutor, High Court, Madras.

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prk6/7

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