

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.19912 of 2015

P.Karl Marx

...

Petitioner

Vs

1.The Inspector of Police,
B2, Esplanade Police Station,
Chennai - 600 104.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to file the final report, before the Magistrate Court concerned, pursuant to the orders passed on 20.04.2015 in Crl.O.P.No.8766 of 2015.

For Petitioner :Mr.P.Karl Marx
(Party-in-person)

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to file the final report, before the Magistrate Court concerned, pursuant to the orders passed on 20.04.2015 in Crl.O.P.No.8766 of 2015.

2. Heard Mr.P.Karl Marx (party-in-person) and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the respondent police conducted enquiry on the complaint dated 20.03.2015 without registering an FIR and after conducting enquiry, the same has been closed and the copy of the closure report was given to the petitioner, across the Bar, in Crl.O.P.No.8766 of 2015 on 20.04.2015.

4.In this petition, the petitioner prays for a direction to the second respondent police to file the closure report before the concerned Magistrate. Only when FIR is registered and investigation

is conducted under Chapter XII of the Code of Criminal Procedure, will the closure report be filed before the Magistrate as held by the Hon'ble Supreme Court in Bhagawant Singh Vs. Commissioner of Police and another (AIR 1985 Supreme Court 1285) in which case, the defacto complainant is at liberty to file a protest application. In Lalita Kumari v. Government of Uttarpradesh and Others reported in (2014) 2 SCC 1, the Hon'ble Supreme Court held that the police can conduct preliminary enquiry even before registration of FIR in certain category of cases and then inform the complainant about the outcome of the enquiry.

5. In the instant case, the respondent police have followed the dictum of the Hon'ble Supreme Court in Lalita Kumari's Case and copy of the closure report has also been given to the petitioner as stated above, while disposing of Crl.O.P.No.8766 of 2015.

In the result, this petition is closed with liberty to the petitioner to workout his remedies in the manner known to law.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sms

To

1.The Inspector of Police,
B2, Esplanade Police Station,
Chennai - 600 104.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Public Prosecutor,
High Court, Madras.

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