

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.06.2016****CORAM:****THE HONOURABLE DR. JUSTICE S.VIMALA****Cr1.O.P. (MD) .No.7249 of 2016**

S.Suresh

.. Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the second respondent to register a case on the petitioner's complaint dated 22.06.2015 and proceed with the same as per law within a stipulated time.

For Petitioner : Mr.V.Rajiv Rufus

For respondents : Mr.K.V.Rajarajan,
Government Advocate
(Criminal side)

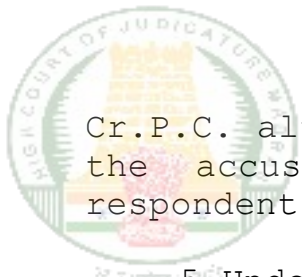
ORDER

It is an application seeking a direction to the second respondent to register a case based on the complaint of the petitioner dated 22.06.2015.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) appearing for the respondents.

3. The learned Government Advocate (criminal side) would submit that petition enquiry has been conducted and closed on 08.09.2015. He has also produced a copy of the closure report before this Court.

4. A perusal of the closure report reveals that the petition has been closed on the ground that the proposed accused, who is an accused in Crime No.48 of 2015 registered under Sections 174



Cr.P.C. altered into 302 IPC, was found absconding. The fact that the accused absconding cannot be a ground for the second respondent to close the complaint.

5. Under such circumstances, the said closure report is rejected and the second respondent is directed to expedite the enquiry and complete the same within a period of one month from the date of receipt of a copy of this order. During the course of enquiry, if any cognizable offence is made out, the second respondent police shall take action in accordance with the law laid down by the Hon'ble Apex Court in **Lalitha Kumari vs. Govt. of U.P & 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.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/
Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Tirunelveli, Tirunelveli District.

2. The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.V.Rajiv Rufus, Advocate in SR.No.32611

SDR/GSV-PM/11.07.2016/2P/5C

Cr1.O.P (MD) No.7249 of 2016
23.06.2016