



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P. (MD).No.15990 of 2016

P.Rajasimman

.. Petitioner

Vs.

1.The Superintendent of Police-
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in connection with the "closure report" preferred by the 2nd respondent against the petitioner's complaint dated 27.01.2016 and set aside the same and consequently direct the 2nd respondent to register a case / FIR on the petitioner's complaint dated 27.01.2016.

For Petitioner
For respondents

: Mr.M.Solaisamy
: Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

This application has been filed seeking to quash the closure report filed by the second respondent in connection with the complaint of the petitioner dated 27.01.2016 and to register a case based on the said complaint.

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

3.The learned counsel for the petitioner would submit that the complaint of the petitioner had been closed by the respondent by adopting an illogical and unwarranted method; before the Court it has been stated that enquiry has been conducted and closed; when the Court verified the grounds for closure of the complaint, the ground stated is that Criminal O.P. is pending before the Madurai Bench of Madras High Court; from the method adopted, it is evident that the respondent has no intention to register the complaint of the petitioner and that has made the respondent to take dual stand with a plan to befool the defacto complainant. The enquiry before



the Investigating Officer has been stopped on the ground that dispute is pending before the Court, whereas petition before the Court itself has been closed on the ground that the complaint itself has been closed. This has taken place without any effort to understand what is the dispute all about? The dispute itself is whether there shall be a direction to register the case in respect of the complaint preferred by the petitioner. Because of the unjustifiable closure of the earlier petition, the petitioner has been constrained to file the present original petition.

4.The apprehension of the petitioner that the second respondent may not have right inclination to take up the matter, cannot be brushed aside in the light of the circumstances described above. Considering the totality of the circumstances, the closure report stated to have been made by the Sub Inspector of Police, Maraneri Police Station, Virudhunagar District on the complaint of the petitioner dated 27.01.2016 is set aside and the Inspector of Police, Sivakasi Town Police Station, Virudhunagar District is directed to conduct enquiry on the complaint of the petitioner dated 27.01.2016 and to take action in accordance with law, preferably following the dictum laid down in the case of Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)].

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

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police-
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

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

+One cc to Mr.M.Solaisamy, Advocate, SR.No.49729

gcb

RL/5C/2P/SKS/RR/26/9/2016