

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2018
CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.19305 of 2018

P.Maharani

...Petitioner

vs

1. State Rep. by
The Superintendent of Police
Dharmapuri
Dharmapuri District.

2. The Sub Inspector of Police
Kottampatti Police Station
Dharmapuri District.

... Respondents

Criminal Original Petition has been filed under Section 482 Cr.P.C to set aside the proceedings dated 26.04.2018 of the 2nd respondent and direct the 2nd respondent police to restore the FIR in Crime No.72 of 2017 dated 14.04.2017 and investigate the case on the complaint dated 17.12.2017.

For Petitioner : Mr.M.Muthusamy
For Respondents : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to set aside the proceedings dated 26.04.2018 of the 2nd respondent and direct the 2nd respondent police to restore the FIR in Crime No.72 of 2017 dated 14.04.2017 and investigate the case on the complaint dated 17.12.2017.

2. On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.72 of 2017 on 14.04.2017 for the offences under Sections 147, 148, 294-B, 323, 506(ii) and 354 IPC against one Dharmalingam and four others. The petitioner gave a representation under the Right to Information Act, 2005, to the police asking information with regard to the investigation of the case in Crime No.72 of 2017, for which, the police have sent a reply enclosing a copy of the closure report. Challenging the said reply and closure report, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents-State.

4. In the opinion of this Court, a reply under the Right to Information Act, 2005, cannot be challenged in a petition filed under Section 482 Cr.P.C., since the RTI Act, provides a different mechanism for entertaining complaints and appeals. When a case has been closed as "mistake of fact", the remedy available to the de facto complainant is to only file a protest petition before the jurisdictional Magistrate. Hence, this petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police
Dharmapuri
Dharmapuri District.

2. The Sub Inspector of Police
Kottampatti Police Station
Dharmapuri District.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Muthusamy, Advocate, S.R.No.52820

Crl.O.P.No.19305 of 2018

BR(CO)

GSP(21/08/2018)