

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23885 of 2018

M/s.JMB Motors
Rep. By its Partner
Mr.Sathish Kumar Mehta,
No.3/2, 2nd Avenue,
Harrington Road,
Chennai 600 030.

...Petitioner

Vs

- 1.The State,
Rep by the Assistant Commissioner of Police,
Vepery,
Chennai.
- 2.The Inspector of Police,
K6, T.P.Chatram Police Station,
Chennai 10.
- 3.Tabraze Hussain
- 4.Aravind
- 5.Jaiprashanth

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the exparte final report dated 10.07.2018 issued by the 2nd respondent and consequently direct the 1st respondent to appoint an unbiased Investigation Officer, to conduct an enquiry on the complaint dated 07.06.2018, filed by the petitioner with the 2nd respondent Police Station and submit a report within a time limit that may be stipulated by this Court.

For Petitioner

: Mr.K.Venkatesan

O R D E R

The petitioner lodged a complaint to the 2nd respondent police, based on which petition enquiry is conducted in CSR.No.57 of 2018 and the same was closed on 10.07.2018, challenging which the petitioner/complainant is before this Court.

2.Heard the learned counsel for the petitioner/complainant who submitted that the enquiry was conducted even without examining the complainant, in a perfunctory manner. He also submitted that the proposed accused was working with the complainant and he had misappropriated monies which he has admitted in his letters given to the management.

3.In the opinion of this Court, under Section 482 Cr.P.C, the order passed by a Court subordinate to the High Court can only be interfered with as held by the Hon'ble Supreme Court in State of Punjab Vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770], and also by the Division Bench of this Court in K.Rajamanickam and others Vs. State of Tamil Nadu, Inspector General and Superintendent, Central Prison [2015 (3) MWN (Cr.) 379 (DB)]. In this case, the police have conducted a preliminary enquiry without registration of a First Information Report and closed the same. Such an order cannot be interfered with under Section 482 Cr.P.C. It is always open to the petitioner to file a private complaint against the proposed accused.

4.With the above direction, this petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Commissioner of Police,
The State of Tamil Nadu,
Vepery,
Chennai.

2.The Inspector of Police,
K6, T.P.Chatram Police Station,
Chennai 10.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.K.Venkatesan, Advocate, S.R.No.70430

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MG(CO)

GSP(30/10/2018)