

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24305 of 2018

T.K.Santhosh

...Petitioner

Vs

1.The State of Tamil Nadu rep.by
The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2.The Deputy Inspector General of Police,
Kanchipuram and Thiruvallur District
Kanchipuram.

3.The Inspector of Police,
District Crime Branch,
Thiruvallur.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the complaint closure letter dated 11.07.2018 by the third respondent and to direct the Respondents to register FIR on the petitioner's complaint dated 24.07.2017 by considering the petitioner's representations dated 10.09.2018 to the respondents 1 and 2 on the offences under the Penal Code, viz. 120 (B) r/w 465, 468 r/w 471 IPC and 418 r/w 109 IPC and 420 IPC and 506 (1) IPC pending on the file of the respondents.

For Petitioner : Mr.C.M.Gunasekaran

For Respondents : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

The petitioner gave a complaint to the police making certain allegations against one M/s.High Power Infrastructure Pvt. Ltd. Thereafter, the petitioner filed Crl.O.P.No.27520 of 2017 for a direction to the police to register an First Information Report on his complaint. This Court had passed an usual order,

directing the police to consider the averments in the complaint and take action in accordance with law. The police conducted a preliminary enquiry on the complaint and they have closed the same on 11.07.2018. Challenging the closure, the petitioner is before this Court.

2. Heard Mr.C.M.Gunasekaran, learned counsel for the petitioner who submitted that earlier M/s.High Power Infrastructure Pvt. Ltd. filed CrI.O.P.No.27520 of 2017 with the following prayer:

"Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent to drop the further proceedings against the petitioner based on the complaint dated 24.07.2017 lodged by the de-facto complainant as the issues involved is of purely civil in nature."

3.This Court dismissed the said petition on 10.07.2018 as follows:

"When this Court was about to dismiss this petition on merits, learned counsel for the petitioner sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect. Permission is granted. Accordingly, this petition is dismissed as withdrawn. Consequently connected miscellaneous petition is closed."

4.Mr.C.M.Gunasekaran, learned counsel for the petitioner submitted that immediately after the dismissal on 10.07.2018, the police have closed the case on 11.07.2018, without proper enquiry and therefore the same should be set aside.

5.This Court was about to dismiss CrI.O.P.No.27520 of 2017 on the ground that a negative direction cannot be issued to the police under Section 482 Cr.P.C. Therefore, when this Court expressed its opinion, the petitioner sought permission to withdraw. That does not mean that the closure report dated 11.07.2018 is tainted. In Lalita Kumari Vs Government of Uttarpradesh and Others [2014] 2 SCC 1, the Hon'ble Supreme Court has held that the police can conduct preliminary enquiry in certain cases like commercial transaction, matrimonial offences, etc., In this case, the police conducted preliminary enquiry and they have closed the complaint given by the petitioner on 11.07.2018 as 'civil in nature'. This closure report is not subject to the judicial review by this Court under Section 482 Cr.P.C. It is always open to the petitioner to file a private complaint if he is not satisfied with the closure report.

Hence this Petition is closed with the above liberty.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
The State of Tamil Nadu,
Thiruvallur District,
Thiruvarur.
 - 2.The Deputy Inspector General of Police,
The State of Tamil Nadu
Kanchipuram and Thiruvallur District
Kanchipuram.
 - 3.The Inspector of Police,
The State of Tamil Nadu
District Crime Branch,
Thiruvallur.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.Gunasekaran, Advocate, S.R.No.71523

CRL.O.P.No.24305 of 2018

VGII(CO)
GSP(29/10/2018)

सत्यमेव जयते

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