

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24035 of 2018

N.F.J.Ponnudurai

Petitioner

Vs

The State rep. by
The Inspector of Police,
Central Crime Branch,
EFF-I Wing, Team-I,
Office of the Commissioner of Police,
Chennai 600 007. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent to furnish one of the two copies signed by the respondent and the petitioner dated 21.07.2018 under Section 154 (2) Criminal Procedure Code 1973.

For Petitioner : Mr.Remus Ponnudurai

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

O R D E R

The petitioner sent a complaint dated 02.04.2018 by Registered Post to the Commissioner of Police, Chennai, making allegations against one N.Peter Periyannayagam and others. Thereafter, the petitioner filed Crl.O.P.No.16571 of 2018 for a direction to the Police to register an First Information Report on his complaint. This Court issued the usual directions. Thereafter, the Sub Inspector of Police, Central Crime Branch, EDF-I conducted preliminary enquiry on the complaint given by the petitioner and after completing the same, has closed the complaint as 'civil in nature' on 07.08.2017. While so, the petitioner is before this Court with the above prayer.

2.In the opinion of this Court, the question of issuing a copy of the First Information Report to the de-facto complainant will arise only when the First Information Report is registered under Section 154 Cr.P.C. In this case, no regular First Information Report has been registered by the police. The Constitutional Bench of the Hon'ble Supreme Court

in Lalita Kumari Vs Government of Uttarpradesh and Others [2014] 2 SCC 1 has held that the police can conduct preliminary enquiry in certain cases like matrimonial offences, commercial transaction, etc., Therefore, the police have only conducted a preliminary enquiry and after that preliminary enquiry, they have closed the complaint as stated above. Thereafter, there is no question of issuing a copy of the First Information Report as mandated under Section 154 Cr.P.C. However, a copy of the Closure Report dated 07.08.2018 be furnished to the counsel for the petitioner across the bar.

Recording the same, this petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gsa
To

1. The Inspector of Police,
Central Crime Branch,
EDF-I Wing, Team-I,
Office of the Commissioner of Police,
Chennai 600 007.

2. The Public Prosecutor,
High Court,
Madras.

+ 1 cc to Mr. P. Romulu Navaratnam, Advocate Sr.70491

EV(CO)
EU(29/10/2018)

CRL.O.P.No.24035 of 2018

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