

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.01.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****CRL.OP.(MD).No.15699 of 2017**

V.Jeyaraman

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
Law and Order, Thallakulam,
Madurai City.

3. The Inspector of Police,
Koodalpudur Police Station,
Madurai City.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent police to register the First Information on the basis of the complaint given by the petitioner, dated 07.08.2017 as per the direction of the learned Judicial Magistrate No.IV, Madurai, dated 19.08.2017 within a time stipulated by this Court.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the third respondent police to register the First Information on the basis of the complaint given by the petitioner, dated 07.08.2017 as per the direction of the learned Judicial Magistrate No.IV, Madurai, dated 19.08.2017 within a time stipulated by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor produced before this Court the closure report and submitted that the complaint was enquired into and the same was closed.

4. Reading of the closure report reveals that the third respondent has not followed the direction of the Honourable Supreme Court in the case of Lalithakumari vs State of Uttar Pradesh, reported in 2014(2)SCC-1. Earlier, the petitioner has approached the Judicial Magistrate concerned and obtained a direction under Section 156(3) of Cr.P.C. It is also stated that the petitioner is a retired District Judge and an aged man. In such circumstances, the closure of complaint on the basis of the statement obtained from the petitioner's driver is not appropriate.

5. Having regard to the nature of allegations that are made against the third respondent by the petitioner and the peculiar facts and circumstances of the case, this Court is inclined to issue the following directions:

"The first respondent is directed to transfer the investigation to some other officer, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the officer concerned, to whom the first respondent has transferred the investigation, shall register the complaint, forthwith and shall file a final report, after conducting proper enquiry within a period of two months, thereafter. The second respondent is directed to ensure that fair and proper enquiry is conducted by the officer concerned."



6. With the above directions, this criminal original petition is disposed of.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Madurai City.
 - 2.The Assistant Commissioner of Police,
Law and Order, Tallakulam,
Madurai City.
 - 3.The Inspector of Police,
Koodalpudur Police Station,
Madurai City.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to M/S.T.A.EBENEZER, Advocate SR.No.40550.

Cr1.O.P. (MD) .No.15699 of 2017
05.01.2018

cmr/pmu
SDS/KK/SAR 2/25.01.2018/3P/6C