



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM:

WEB COPY

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

Crl.O.P.(MD) No.15066 of 2016
and Crl.M.P.(MD) 7671 of 2016

S.K.Sutharson

... Petitioner

-vs-

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2. The State represented by
The Inspector of Police,
Uvari Police Station,
Uvari, Tirunelveli District.

... Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the 2nd Respondent to register the complaint dated 07.04.2016 forthwith and conduct investigation in accordance with law and file the final report thereupon before the Court concerned within a time frame as specified by this Honourable Court forthwith.

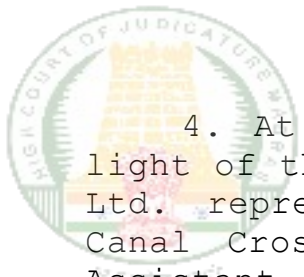
For Petitioner	:	Mr.R.Sankarasubbu
For Respondents	:	Mr.A.P.Balasubramani Govt. Advocate (Crl.Side)
For Intervenor	:	M/S.T.Antony Arul Raj

O R D E R

This petition has been filed, seeking to direct the 2nd Respondent to register the complaint dated 07.04.2016 forthwith and conduct investigation in accordance with law and file a final report thereupon before the Court concerned.

2. It is the case of the petitioner that he had given a complaint dated 07.04.2016 to the 2nd respondent Police, making allegations against one Chandresan and the Police have not taken any action on his complaint and therefore, he filed the present petition for a direction to the respondent police to register an FIR on his complaint dated 07.04.2016.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.
Mr.S. JOHN VIOLET of Uvari Police Station is present.



4. At the outset, this petition is not maintainable in the light of the law laid down by this Court in Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another, reported in 2016 (2) CTC 286. However, on instructions, learned Government Advocate (Crl.Side) submitted that the petitioner had earlier given a complaint, based on which, petition enquiry was conducted in CSR No.59 of 2016 and thereafter, the petitioner had given another complaint, based on which a fresh CSR No.116 of 2016 was registered. He further submitted that the respondent police have conducted enquiry in CSR Nos.59 of 2016 and 116 of 2016 and closed the complaint on 26.08.2016, on the ground that the dispute is purely civil in nature and that the allegations in the complaints are false. A copy of the closure report has already sent to the petitioner by post. However, another copy of the closure report has been furnished to the learned counsel for the petitioner across the bar.

5. Recording the same, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Uvari Police Station,
Uvari, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.Palani Velayutham, Advocate, SR.No.50088
+1 cc to Mr.T.Antony Arul Raj, Advocate, SR.No.50265

Crl.O.P. (MD) No.15066 of 2016
04.04.2017