

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V.BHATT
WRIT APPEAL No.1097 of 2018

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

This Writ Appeal is instituted against the order by which the learned single Judge refused to issue any further directions at the instance of the writ petitioner in relation to his complaint that the fifth respondent/Sub Inspector of Police was instrumental in certain criminal activities of which the appellant was the victim.

2. The Police did not deny the receipt of the appellant's complaint. The fifth respondent is a Police Officer. The Superintendent of Police, therefore, got an enquiry conducted through the Sub Divisional Police Officer. A report was submitted to the Superintendent of Police. That was to the effect that the matter is purely civil in nature and the complaint against the fifth respondent is false. It was also submitted by the official respondents before the learned single Judge that the endorsement to the said effect will be communicated to the writ petitioner.

3. In the afore-noted format of facts, this is not one of those instances where the jurisdictional Police turned a Nelson's eye to the appellant's complaint. They have looked into it, conducted an enquiry and have arrived at a conclusion. On such conclusion being informed, the petitioner will be at liberty to take recourse to such procedure as would be available under the Code of Criminal Procedure in relation to closure reports or other modes by which he can further seek prosecution of any offender.

4. The aforesaid position notwithstanding, whatever relief the petitioner could have got before the learned single Judge is referable only to Article 227 of the Constitution of India and/or Section 482 of the Code of Criminal Procedure. This is among the ratio decidendi of the judgment rendered by the apex Court in **Ram Kishan Fauji v. State of Haryana**¹. In that view of the matter, we do not see that any intra Court appeal would be maintainable, because such an appeal would lie only in matters relating to exercise of jurisdiction under Article 226 of the Constitution.

5. For the aforesaid reasons, we do not find any ground to interfere with the impugned order of the learned single Judge, which we also see is not in disregard of jurisdiction or in any manner contrary to law.

The Writ Appeal, therefore, fails and the same is, accordingly, dismissed.

The miscellaneous petitions pending in this Writ Appeal, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

16.08.2018
vs

¹ (2017) 5 SCC 533