

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.No.3124 of 2020

R.Sivalingam

...Petitioner

-Vs-

1. The Commissioner of Police,
Police Commissionerate Office,
No.132, EVK Sampath Salai,
Vepery,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
Nungambakkam,
Chennai.
3. The State Rep by
The Inspector of Police,
G-7, Nungambakkam Police Station,
Chennai - 600 034. ... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the third respondent police to take further action on the petitioner complaint dated 18.11.2019.

For Petitioner : Mr.R.chandrasekaran

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed to direct the third respondent police to take further action on the petitioner complaint dated 18.11.2019.

2. The learned Additional Public Prosecutor has submitted that after preliminary enquiry, the petitioner's complaint was closed on 22.02.2020 itself and the closure report of the same also sent to the petitioner.

3. The learned counsel for the petitioner has submitted that so far no enquiry has been conducted and without conducting any enquiry, the respondent has closed the petitioner's complaint and no intimation was served on him with regard to the closure of the petitioner's complaint.

4. In view of the decision of the Division Bench in G.Prabakaran Vs. The Superintendent of Police, Thanjavur in (Crl.O.P.(MD)No.13681 of 2018 batch) a Division Bench of this Court has held that once a complaint is closed by the SHO, the informant cannot invoke under Section 482 of Cr.P.C., as the remedy lies elsewhere. Hence, this criminal original petition is closed. The third respondent is directed to serve the closure report to the petitioner by RPAD within a week from the date of receipt of a copy of this order. It is open to the petitioner to avail any other remedy which is available under law.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

mfa

To

1. The Commissioner of Police,
Police Commissionerate Office,
No.132, EVK Sampath Salai,
Vepery,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
Nungambakkam,
Chennai.
3. The Inspector of Police,
G-7, Nungambakkam Police Station,
Chennai - 600 034.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3124 of 2020

rsi(co)
aa09/03/2020



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