

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.1643 of 2020

1. S.Vaithiyanathan
2.D.Vasanthi

...Petitioners

-Vs-

1. The State Represented by its
The Inspector of Police,
Vikravandi Police Station,
Vikravandi - 605 652,
Villupuram District.

2. The Sub Inspector of Police,
Periyathatchur Police Station,
Periyathatchur - 605 652,
Tindivanam Taluk,
Villupuram District.

... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent to take further action on the complaint of the first petitioner dated 07.04.2019 impounded in C.S.R.No.258 of 2019 dated 14.04.2019.

For Petitioners : Mr.C.Samadharm Arasu

For respondents : Mr.M.Mohamed Riyaz

ORDER

This Criminal Original Petition has been filed to direct the respondent to take further action on the complaint of the first petitioner dated 07.04.2019 vide in C.S.R.No.258 of 2019 dated 14.04.2019.

2. The learned counsel for the petitioner has submitted that the second petitioner is one of the owners of the Nanja landed property and house property in Survey No.180/1 etc., of Rettanai village and Suvey No.12-1 and etc., of Thenpudhur village and concrete House and plot Natham Surveny No.48 /15 and Surveny No.48/3 of Thenpudhur village. He further submitted that the aforesaid properties are ancestral and joint family properties. He further submitted that the petitioner's brother one Loganathan and his wife Dhanalakshmi illegally forged the signature of the second petitioner and

effected the transfer of service connection in their name and hence the first petitioner has sent a petition to the Electricity Board and considering the same, the Electricity Board also cancelled the said transfer. He further submitted that the first petitioner has lodged a complaint before the second respondent on 07.04.2019. But, so far, no enquiry has been conducted on the said complaint and further action has also not been taken and therefore he prayed to direct the respondents to conduct enquiry on the said complaint and register a case against the accused persons and proceed further.

3. Per contra, the learned Additional Public Prosecutor has submitted that after receipt of the complaint, the second respondent has issued C.S.RNo.258 of 2019 on 14.04.2019 and conducted a preliminary enquiry and closed the same on 17.04.2019.

4. The learned counsel for the petitioner by way of reply has submitted that the petitioner was not called for enquiry and without hearing him, the second respondent has closed the complaint. He further submitted that no intimation has been sent to the petitioner with regard to the closure of the petitioner's complaint.

5. According to the second respondent, the petitioner's complaint was enquired and the same was closed on 17.04.2019. In view of the decision of the Hon'ble Division Bench of this Court in G.Prabakaran Vs. The Superintendent of Police, Thanjavur in (Crl.O.P.(MD) No.13681 of 2018 batch), once a complaint is closed by SHO, the informant cannot maintain a petition u/s.482 Cr.p.c, as the remedy is elsewhere.

6. Hence, this Criminal Original petition is closed. The second respondent is directed to send intimation with regard to the closure of the petitioner's complaint 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.

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Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

Mfa

To

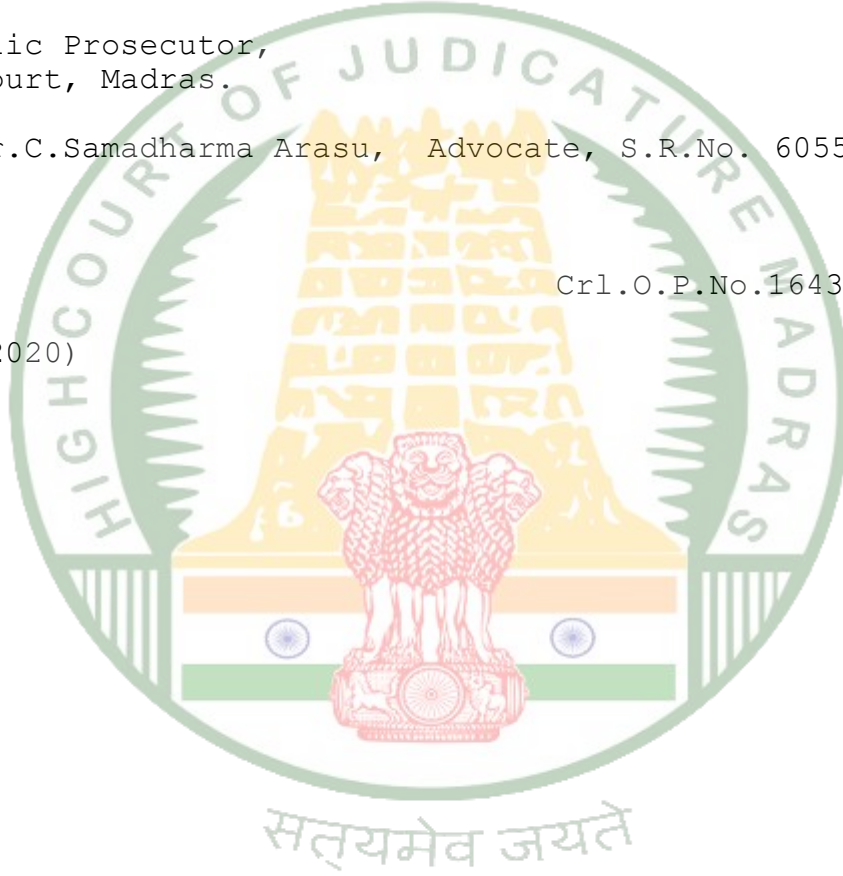
1. The Inspector of Police,
Vikravandi Police Station,
Vikravandi - 605 652,
Villupuram District.
2. The Sub Inspector of Police,
Periyathatchur Police Station,
Periyathatchur - 605 652,
Tindivanam Taluk,
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Samadharm Arasu, Advocate, S.R.No. 6055

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GN(04/03/2020)



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