

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.3662 of 2020

C.Magesh

...Petitioner

-Vs-

1.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery,
Chennai - 600 007.

2.The Deputy Commissioner of Police,
Anna Nagar District, 6th Avenue,
P-Block, Anna Nagar,
Chennai - 600 040.

3.The Inspector of Police,
K4, Anna Nagar Police Station,
Anna Nagar,
Chennai - 600 040.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent police to conduct the enquiry on the petitioner's complaint dated 01.10.2019.

For Petitioner : Mr.R.Senthilkumar

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent police to take further action on the petitioner's complaint dated 01.10.2019.

2. The learned Additional Public Prosecutor has submitted that after preliminary enquiry, the petitioner's complaint vide C.S.R.No.609 of 2019 was closed on 01.02.2020 itself by the second respondent.

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 second 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mfa

To

- 1.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery,
Chennai - 600 007.
- 2.The Deputy Commissioner of Police,
Anna Nagar District, 6th Avenue,
P-Block, Anna Nagar,
Chennai - 600 040.
- 3.The Inspector of Police,
K4, Anna Nagar Police Station,
Anna Nagar,
Chennai - 600 040.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Senthil kumar, Advocate, SR.No.14509

PM(CO)

rli(21/05/2020)

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