

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.4057 of 2020

Boomisekar

...Petitioner

-Vs-

1. The State Rep by
The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai -7.

2. The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to take further action based on the petitioner's complaint on 30.09.2019.

For Petitioner : Mr.S.Sugendran

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते

WEB COPY
ORDER

This Criminal Original Petition has been filed to direct the second respondent to take further action based on the petitioner's complaint on 30.09.2019.

2. The learned Additional Public Prosecutor has submitted that after preliminary enquiry, the petitioner's complaint vide C.No.2691 of 2019 was closed on 25.12.2019 itself and another complaint dated 01.02.2020 vide in C.No.85 of 2020 was closed on 20.02.2020.

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 (Cr1.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.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mfa
To

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai -7.
2. The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Sugendran , Advocate SR.No. 16167

A.SK(09/03/2020)

Cr1.O.P.No.4057 of 2020