

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2020

Coram:

The Honourable Mr. Justice P.RAJAMANICKAM

Crl.O.P.No.30582 of 2019
and
Crl.MP.No.1682 of 2020

Jitendar Kothari

... Petitioner

Versus

State Rep.by the
The Inspector of Police,
T-3, Police Station,
East Avenue Korattur,
Chennai-600 080.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to direct the respondent to take action against the accused persons based on the complaint dated 28.09.2019 bearing C.S.R.No.1106 of 2019 and investigate the same in accordance with law .

For Petitioner : Mr.M.Vijay Anand
For Respondent : Mr.C.Raghvan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondent to take action against the accused persons based on the complaint dated 28.09.2019 bearing C.S.R.No.1106 of 2019 and investigate the same in accordance with law .

2. The learned Government Advocate (Crl.Side) has submitted that on receipt of the petitioner's complaint dated 28.09.2019, C.S.R.No.1106 of 2019 was issued and enquiry has been conducted and the said complaint was closed on 23.11.2019.

3. The learned counsel for the petitioner has submitted that the petitioner was not at all called for enquiry and without conducting enquiry, the respondent has closed the petitioner's complaint and further no intimation also has been sent to the petitioner with regard to closure of his complaint.

4. In view of the Division Bench decision 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 the SHO, the informant cannot invoke Section 482 of Cr.P.C., as the remedy lies elsewhere.

5. Hence this petition is closed. The respondent is directed to send intimation to the petitioner by RPAD with regard to the closure of the complaint within 7 days 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. Consequently connected Crl.MP.No.1682 of 2020 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Vv

To

1. The Inspector of Police,
T-3, Police Station,
East Avenue Korattur,
Chennai-600 080.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.30582 of 2019
and

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