

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2020

Coram:

The Honourable Mr. Justice P.RAJAMANICKAM

Cr1.O.P.No.33748 of 2019

LTH.Rabin Raja

... Petitioner

Versus

The Superintendent of Police,
Krishnagiri District,
Krishnagiri 635 001.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to pass an order of direction directing the respondents to take necessary action against the Inspector of police, Saravanan, Hudco Police Station, based on the complaint made in 03.12.2019.

For Petitioner : Mr.K.Nagarajan

For Respondent : Mr.C.Raghvan

Government Advocate (Criminal Side)

ORDER

The learned Government Advocate appearing on behalf of the respondent has submitted that the petitioner's complaint dated 03.12.2019 was forwarded by the Superintendent of Police, Krishnagiri to the Deputy Superintendent of Police, Hosur for enquiry. The Deputy Superintendent of Police, Hosur, on receipt of the said complaint, has issued summons to the petitioner directing him to appear before him on 04.01.2020 for enquiry. He further submitted that the petitioner on receipt of the said summons has appeared before the Deputy Superintendent of Police, Hosur and gave a letter stating that since the case is pending before the High Court, enquiry cannot be conducted on his complaint. He further submitted that after receipt of the said letter and perusing the petitioner's complaint, the Deputy Superintendent of Police, Hosur has closed the said complaint on 05.01.2020 and also sent an intimation to that effect to the petitioner.

2. The learned counsel for the petitioner has submitted that no enquiry was conducted on the petitioner's complaint. He further submitted that the Deputy Superintendent of Police has not sent any intimation to the petitioner with regard to the closer of his complaint.

3. In G.Prabakaran Vs. The Superintendent of Police, Thanjavur in Crl.O.P.(MD)No.13681 of 2018, etc., batch, a Division Bench of this Court has held that once the complaint is closed by the Station House Officer, the informant cannot invoke Section 482 of Cr.P.C., as the remedy lies elsewhere.

4. Since already the Deputy Superintendent of Police, Hosur has closed the petitioner's complaint, this Criminal Original Petition stands closed. The Deputy Superintendent of Police, Hosur, is directed to send the intimation to the petitioner with regard to the closure of the petitioner's complaint, within a week by registered post 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 V)

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri 635 001. सत्यमेव जयते

2.The Deputy Superintendent of Police,
Hosur.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.33748 of 2019

vba(co)
nr 20/02/2020