



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.24263/2016 & Crl.MP.No.11565/2016

[Video Conferencing]

R.Suresh Kumar

... Petitioner

Versus

1. The Inspector of Police  
Deevattipatty Police Station  
Salem District.

2.V.Gopal

... Respondents

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in crime No.460/2016 on the file of the 1<sup>st</sup> respondent police and quash the same.

|                |   |                                                 |
|----------------|---|-------------------------------------------------|
| For Petitioner | : | Mr.M.T.Arunan<br>assisted by Mr.Aranesh         |
| For R1         | : | Mr.E.Raj Thilak<br>Additional Public Prosecutor |
| For R2         | : | Mr.A.Rajesh Kanna                               |

ORDER

- (1) The present petition has been filed under Section 482 Cr.P.C., seeking interference with the further proceedings in the FIR in Crime No.460/2016 on the file of the 1<sup>st</sup> respondent police, viz., Deevattipatty Police Station, in Salem District.
- (2) The 2<sup>nd</sup> respondent / defacto complainant is a retired Deputy Superintendent of Police and after retirement, had taken up the avocation of going around various police stations seeking records with respect to insurance cases and when many of the Inspectors of Police / Sub Inspectors of Police



have protested or have delayed in giving the reference, the 2<sup>nd</sup> respondent / defacto complainant had the habit of lodging complaints resulting in registration of FIRs.

- (3) The petitioner herein/accused in this case was the Inspector of Police attached to Deevattipatty Police Station, now in Serious Crime Squad, Salem District. As against him, a complaint had been lodged by the 2<sup>nd</sup> respondent / defacto complainant.
- (4) Similar complaint had also been lodged against one Ms.Rajeswari, Sub Inspector of Police and two other Sub Inspectors of Police, which resulted in Crime No.303/2014 being registered for the offences u/s.465, 468, 471, 420 IPC.
- (5) Earlier, a FIR in Crime No.171/2012 had been registered against the 2<sup>nd</sup> respondent / defacto complainant herein for the offences u/s.332 and 506[i] IPC. The 2<sup>nd</sup> respondent / defacto complainant filed CrI.OP.No.22024/2012 before this Court and at that time, the learned counsel who appeared for the defacto complainant therein, viz., Ms.Rajeswari, Sub Inspector of Police, had stated that both parties shall withdraw the respective complaints against each other. After giving that particular undertaking before this Court, the 2<sup>nd</sup> respondent / defacto complainant appears to have given a complaint under Section 156[3] Cr.P.C., before the learned Judicial Magistrate, Omalur, against the present petitioner herein alleging commission of offences u/s.166, 167, 217 and 218 IPC.
- (6) The 2<sup>nd</sup> respondent / defacto complainant contended that the present petitioner had not investigated the case properly and had not filed the Final Report in proper manner. That resulted in registration of FIR in Crime No.460/2016 which is now sought to be quashed by the petitioner herein.
- (7) Investigation and filing of Final Report are discharge of official duty. If there are grievances with respect to discharge of such official duty, then the proper procedure that should be adopted is to take up the matter further in accordance with law. Filing of private complaint cannot be countenanced and has to be condemned. Registration of such an FIR as the instant one complained by the petitioner is not an act which can be encouraged by this Court, particularly, in view of the fact that the complaint had been lodged with respect to discharge of official duty.
- (8) Therefore, without any hesitation, I would interfere with the further investigation in the FIR in Crime No.460/2016



now pending on the file of the 1<sup>st</sup> respondent police.

(9) In the result, the Criminal Original Petition stands allowed and the further investigation in the FIR in Crime No.460/2016 is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Inspector of Police  
Deevattipatty Police Station  
Salem District.
2. The Public Prosecutor  
High Court, Madras.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.51526

+2ccs to Mr.M.T.Arunan, Advocate, S.R.No.51618

Cr1.OP.No.24263/2016

AK-II (CO)  
SU (13/10/2021)