

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2006 of 2018

Vijaykanthan

..Petitioner

Vs

State Rep. By
Inspector of Police,
Reddiar Palayam Police Station,
Puducherry.

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to allow this Criminal Original petition and to direct the reopening of the petitioner complaint dated 27.09.2017 and registration of FIR on the same and to transfer the investigation in the said case to some other officer or agency other than the respondent for proper investigation and disposal in accordance with law.

For Petitioner : Mr.R.Srinivas

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry)

O R D E R

This Criminal Original Petition has been filed for a direction to register the FIR, pursuant to the directions issued by this Court in Crl OP No.22094 of 2017.

2. It is seen from records that the petitioner gave a complaint before the respondent police alleging theft against the accused persons on the ground that the accused persons entered the property and took away the materials belonging to

the petitioner. Since no action was taken, the petitioner approached the Superintendent of Police and the same also did not evoke any response. Thereafter, the petitioner approached this Court and filed Crl.OP No.22094 of 2017. This Court by an order dated 24.10.2017, directed the respondent to register the FIR based on the complaint given by the petitioner. The grievance of the petitioner is that inspite of the directions issued by this Court, the respondent police did not act upon the same. Left with no other alternative, the present petition has been filed before this Court.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents submitted that even before an order was passed by this Court, the complaint given by the petitioner was enquired and closed on 07.01.2017. The learned counsel submitted that the petitioner has to work out his remedy only before the Competent Civil Court.

4. The learned counsel for the petitioner submitted that the petitioner was forced to approach this Court only due to the in action on the part of the respondent police in closing the complaint even without registering the FIR. The learned counsel submitted that after the orders were passed by this Court in Crl OP.No.22094 of 2017, the same has to be necessarily acted upon by the respondent police and the earlier closure of complaint cannot be given as an excuse for non-compliance of the order passed by this Court.

5. In the considered view of this Court, the respondent police ought to have acted upon the directions issued by this Court in Crl OP No.22094 of 2017. The closure of the complaint on 07.01.2017 cannot be a ground to avoid compliance of the order passed by this Court. The respondent police can always register an FIR and conduct an investigation and whatever comes out of the investigation, can be filed either as a final report or as a closure report, as the case may be. This will atleast enable the petitioner to work out his remedy in accordance with law.

6. In view of the above, the respondent police is directed to immediately act upon the directions issued by this Court in Crl OP No.22094 of 2017 and proceed further in accordance with law.

7. This Criminal Original petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

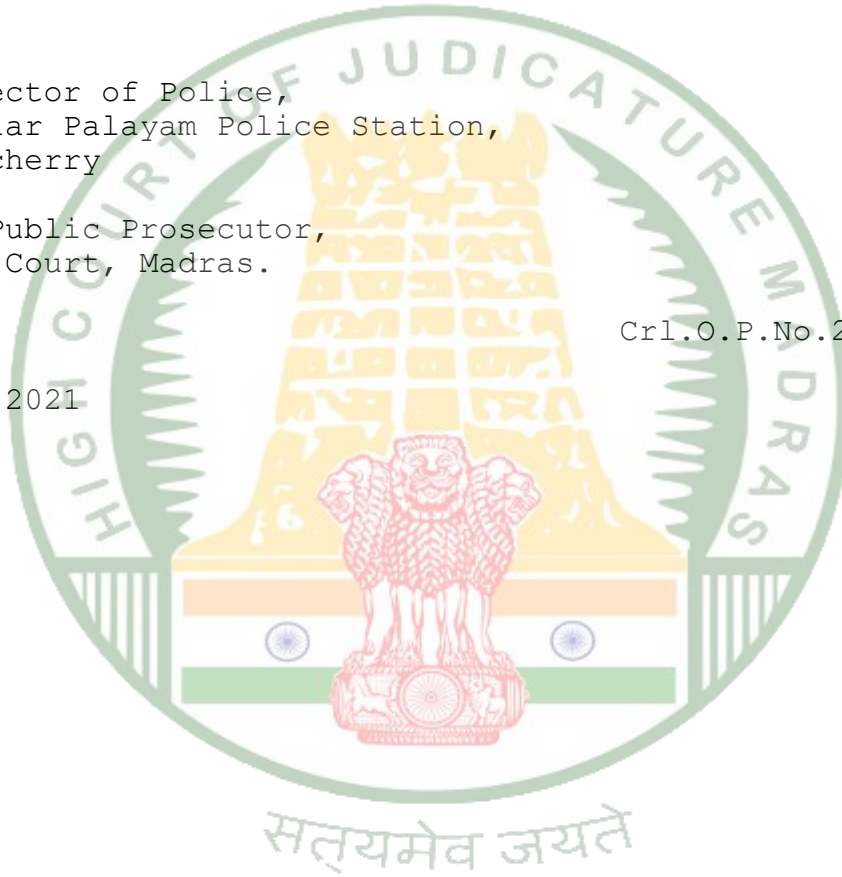
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To

1. Inspector of Police,
Reddiar Palayam Police Station,
Puducherry
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.2006 of 2018

NRL(CO)
CSR 19.03.2021



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