

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 3.6.2021.

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8118 of 2021

Deepak Kumar Bisani

.. Petitioner

vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

2.The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the second respondent herein to register a case on the complaint of the petitioner's father dated 22.09.2018 acknowledged vide CSR No.585 of 2018.

For Petitioner : Mr.R.Ganesh Kumar

For Respondents: Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed seeking a direction to the respondent police to register a case on the basis of the complaint filed by him.

2. It is contended by the learned counsel for the petitioner that the police have not conducted any enquiry after the earlier closure report, despite the fact that he had filed an application under Section 156(3) Cr.P.C. and the order has been passed in November 2018 by the learned Judicial Magistrate. He further submitted that the closure report refers to the enquiry conducted by the police prior to the date of application under Section 156(3) Cr.P.C. and the reply by the RTI authority also indicates that enquiry was conducted only prior to the application filed under Section 156(3).

3. The learned Government Advocate submits that the enquiry has been conducted and closure report has been filed on 20.12.2018 and therefore, the submission of the petitioner for a direction cannot be entertained.

4. The entire allegations in the complaint is with regard to the alleged damage to some AC units by a neighbour. The report filed by the learned Government Advocate indicates that the matter has been enquired into and closed on 20.12.2018 itself.

5. In such view of the matter, it is for the petitioner to take appropriate action for filing protest petition before the learned Magistrate concerned or else it is open for him to file a private complaint and establish the offences alleged by him. Accordingly, the Criminal Original Petition is dismissed.

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

ssk/hvk.
To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

2.The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai.

3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

+1 CC to Mr.R. Ganesh Kumar, Advocate sr 27441.

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PPA(CO)
SP(13/07/2021)