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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.21033 of 2021

P.Luther Jeroraj

...Petitioner

Versus

State by:

The Inspector of Police,
Town Police Station,
Thiruchengode,
Namakkal District.

...Respondent/Investigating Officer

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the petitioner's complaint dated 13.11.2019 in view of the order passed by the learned Judicial Magistrate, Thiruchengode in Crl.M.P.No.722 of 2021 dated 30.03.2021.

For Petitioner : Mr.V.Vargees Amal Raja

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to direct the respondent police to register the petitioner's complaint dated 13.11.2019 in view of the order passed by the learned Judicial Magistrate, Thiruchengode in Crl.M.P.No.722 of 2021 dated 30.03.2021.

2.The petitioner's grievance is that the learned Judicial Magistrate, Thiruchengode by order dated 30.03.2021, had directed the Inspector of Police, Thiruchengode Town Police Station, to conduct a preliminary enquiry to ascertain as to whether the information furnished in the complaint reveals any cognizable offence. Such preliminary enquiry should be completed within the period of six weeks from the date of receipt of that order as per the dictum laid down by the Hon'ble Supreme Court of India in Lalithakumari case. The Investigating Officer upon making such enquiry would decide to close the



petition, a copy of the closure report must be supplied to the petitioner and also to be filed before the Court. The above said order has not been complied with.

3.The learned Additional Public Prosecutor submits that on the directions of the learned Judicial Magistrate, Thiruchengode, enquiry has been conducted and found that no case is made out. The Inspector of Police, Thiruchengode prepared a report and the same has been filed before the learned Judicial Magistrate, Thiruchengode, along with the statements of witnesses enquired. The said report along with the annexures have been produced before this Court.

4.Considering the submissions and on perusal of the materials and the report produced, this Court finds that there is a specific direction of the learned Judicial Magistrate, Thiruchengode, directed the Inspector of Police, Thiruchengode to furnish the copy of the closure report, which has not been done. In view of the same, the Inspector of Police, Thiruchengode is directed to furnish the copy of the closure report to the petitioner. Thereafter, it is for the petitioner to agitate the same in the manner known to law.

5.The learned counsel appearing for the petitioner on instruction submits that the petitioner himself is willing to go and collect the closure report from the respondent police on 02.12.2021.

6.In view of the same, the petitioner is directed to appear before the respondent police on 02.12.2021 and collect the closure report.

7.With the above observation, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Thiruchengode.

2. -do through- The Chief Judicial Magistrate,
Namakkal.



3. The Inspector of Police,
Town Police Station,
Thiruchengode,
Namakkal District.

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4. The Public Prosecutor,
High Court, Madras.

Cr1.OP.No.21033 of 2021

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NSK 08/12/2021