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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.10.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.7590 of 2017
and
CrI.M.P.No.4593 of 2017

D.Kandasamy
Inspector of Police
Thiruchengode Town Police Station,
Thiruchengode,
Namakkal District

.. Petitioner/ Accused

Vs.

1.State rep.by
Inspector of Police,
Deevattipatty Police Station,
Salem District.

.. 1st Respondent / Complainant

2.V.Gopal

.. 2nd Respondent / De-facto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.45 of 2017 pending on the file of the 1st Respondent Police Station and quash the same.

For Petitioner.. Mr.M.T.Arunan
Assisted by Mr.A.Arunesh, Ms.R.Nandhini

For R1 .. Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the accused questioning the further continuation of investigation in Crime No.45 of 2017 registered by the 1st respondent, the Inspector of Police, Deevattipatty Police Station, Salem District. The said FIR was registered on the basis of a complaint given by the 2nd respondent herein.

2.It must be stated that notice had been directed to the 2nd respondent and the learned counsel has today filed proof of service. The 2nd respondent has not appeared before this Court. The reasons are very clear. The learned Additional Public



Prosecutor had stated that further proceedings in the FIR had been dropped. By recording the same, I can very well close the present Criminal Original Petition, but let me enter into further details of the present case.

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3.Originally, a FIR in Crime No.460 of 2016 had been registered against one R.Suresh Kumar, who is also an Inspector of Police on 07.10.2016. That was also registered on a complaint given by the present 2nd respondent herein. It appears that the present 2nd respondent V.Gopal appears to have an habit of lodging a police complaints taking advantage of the fact that he was the former Deputy Superintendent of Police. After his retirement he took a new avocation namely, to go around various police stations looking for the records therein and when the Inspectors in the police station had either delayed or refuse to give the records to him, he went promptly and lodged a police complaint and which was also registered as First Information Report. With respect to the complaint given against R.Suresh Kumar, in Crl.O.P.No.24263 of 2016, by order dated 17.11.2016, a learned Single Judge of this Court had originally granted stay. There was yet another order quashing the said FIR, but at the same time, the 2nd respondent also had given an undertaking that he would withdraw the complaint or rather co-operate for withdrawal or for closure of the FIR.

4.It is the grievance of Mr.M.T.Arunan, learned counsel for the petitioner that the 2nd respondent had not so extended his co-operation for closure of the FIR.

5.At any rate, the police have dropped action and recording the same, though the present petition is dismissed, it is observed that the 1st respondent themselves have thought that it was not a fit case for further investigation. Since they have closed the present FIR, the present Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

smv

To

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



2.The Public Prosecutor,
High Court of Madras.

+4cc to Mr.M.T.Arunan, Advocate, S.R.No.51323

Cr1.O.P.No.7590 of 2017

AD(CO)
CB(18/10/2021)