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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.29870 OF 2018

Srinivasan,
S/o Sivagamy

.. Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.
2. The Inspector of Police,
J-1 Saidapet Police Station,
Chennai,
Crime No.502/2009

.. Respondents

PRAYER: Petition is filed Under Section 482 of Cr.P.C to direct the respondents to re-investigate the case in Crime No.502 of 2009 on the file of 2nd respondent.

For petitioner : Mr.R.Balakrishnan

For respondents : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed Under Section 482 of Cr.P.C to direct the respondents to re-investigate the case in Crime No.502 of 2009 on the file of 2nd respondent.



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2. The case of the prosecution is that there was a tenancy dispute between the petitioner's mother and the landlord due to which there was a quarrel between the parties and the petitioner along with his mother were attacked by the landlord and his sons. Hence the complaint.

3. Though very many averments have been made by the petitioner in the present petition, however the materials available on record reveal that on earlier occasions, petitions were filed before this Court in CrI.O.P.No.19080 of 2012 to direct the respondent to investigate the case and another case in CrI.O.P.No.26466 of 2011 to transfer the case in Crime No.502 of 2009 from the file of respondent police to CBCID, which were adjudicated and dismissed by this Court by taking on record the submissions of the learned Additional Public Prosecutor that the investigation was already over and the case was referred to as mistake of fact.

4. The learned counsel for the petitioner submitted that the petitioner was not served with the copies by the respondent police regarding the closure of FIR as mistake of fact.

5. Though such a contention has been raised, it is to be pointed out that it is not necessary for the investigating agency to provide a copy of the closure report to the petitioner and suffice if the same is filed before the Court. However, as the investigation is already completed and the case was referred to as mistake of fact, the present petition filed for re-investigating the case in Cr.No.502 of 2009 cannot be entertained. However, the respondent is directed to serve the copies of the closure report to the petitioner and the petitioner is at liberty to work out his remedy in accordance with law before the competent forum.

6. Accordingly the present petition is closed with the above direction.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

NHS



To

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.
2. The Inspector of Police,
J-1 Saidapet Police Station,
Chennai,
Crime No.502/2009.

+2ccs to Mr.R.Balakrishnan, Advocate, S.R.No.42955

Cr1.O.P.No.29870 of 2018

RSV(CO)
RLP(16/11/2021)