



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P. (MD) No.14970 of 2021

A.Saifudeen Bava

... Petitioner/Defacto Complainant

Vs.

1.State rep. by
The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.

... Respondent/Complainant

2.P.Rezwan Kani

3.K.Batch

4.D.Kaleel Rahuman

5.Sybu Nisha

6.Kaja Nazeemdeen

... 2 to 6 Respondents/Accused
No.1 to 5

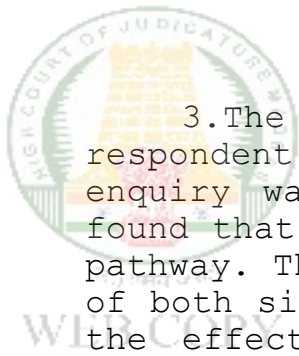
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the closure report filed by the first respondent in Crl.M.P.No.631 of 2021 before the Learned Judicial Magistrate No.II, Madurai and set aside the same.

For Petitioner	: Mr.A.Jayaramachandran
For R1	: Mr.RMS.Sethuraman
	Additional Public Prosecutor

ORDER

This petition is filed seeking an order to set aside the closure report that has been filed by the 1st respondent in Crl.M.P.No.631 of 2021 before the Learned Judicial Magistrate No.II, Madurai.

2.The case of the petitioner is that he filed Crl.M.P.No.631 of 2021 before the Learned Judicial Magistrate No.II, Madurai under Section 156(3) of Cr.P.C., for directing the 1st respondent herein to register the case and investigate the matter and that was allowed without giving such direction for registering the First Information Report. It appears that it came to be closed and closure report has also been filed before the concerned Court. But, the copy of the closure report has not been sent to the petitioner. Without intimating the same, the closure report is bad in law.



3.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that based upon the aforesaid direction, enquiry was undertaken and during the course of enquiry, it was found that there is a dispute between the parties over the usage of pathway. The enquiry was undertaken in the presence of the advocates of both sides. There was a compromise reached between themselves to the effect that they will not make any trouble, damage to the compound wall of the house of the petitioner and also they agreed to put up a CCTV camera in the house of the petitioner. However, the petitioner did not make any statement and sign in the undertaking. So, further action has been dropped.

4.Now, the learned counsel appearing for the petitioner would submit that that was a bite injury on the right arm of the petitioner. So, the 1st respondent ought to have registered the First Information Report and investigated the matter, since cognizable offence has been made out. But, there was no proper investigation on this aspect. On that ground, the learned counsel wants interference of this Court upon the closure report.

5.However, this Court cannot exercise its jurisdiction under Section 482 of Cr.P.C., for such relief, because proper remedy is available to the petitioner to file a protest petition before the concerned Court for such relief. Let the learned counsel for the petitioner get a copy of the closure report from the office of the learned Additional Public Prosecutor. Upon the protest petition to be filed by the petitioner, necessary orders may be passed by the concerned Magistrate on merits.

6.With the aforesaid liberty and direction, this petition stands disposed of.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.14970 of 2021
04.10.2021

NSN (CO)
RS (27.10.2021) 3P 4C