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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.368 of 2022

Praveen Kumar

... Petitioner

Versus

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

2. The State rep by Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai - 600 021.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the FIR on the complaint given by the petitioner dated 13.09.2021 and enquire the matter in accordance with law.

For Petitioner :Mr.K.Manikandan

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

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the FIR on the complaint given by the petitioner dated 13.09.2021 and enquire the matter in accordance with law.

2.The grievance of the petitioner is that the complaint of the petitioner dated 13.09.2021, has not been properly enquired and the same has been closed by the respondent police, without any intimation to the petitioner. Hence, the above petition.



3.The contention of the petitioner is that the petitioner though lodged a complaint, no CSR has been assigned. On 21.10.2021, petitioner and the accused Mohammed Rafiq @ Nijamuddin were called for enquiry, during enquiry the said Mohammed Rafiq @ Nijamuddin gave an undertaking for settling the dispute. Based on the undertaking given by the said Mohammed Rafiq @ Nijamuddin, the case has been closed. On the contrary, the said Mohammed Rafiq @ Nijamuddin had not complied with the undertaking given by him. Now, the petitioner is suffering.

4. The learned Additional Public Prosecutor submits that the petitioner's complaint dated 13.09.2021, has been received from the 1st respondent vide C.No.1519/COP/Visitors/2021. On receipt of the complaint, the petitioner and the counter complainant were called for enquiry on 18.10.2021 and 21.10.2021 by the second respondent police. Both the petitioner as well as the counter complainant viz., Mohammed Rafiq @ Nijamuddin appeared before the respondents and the said Mohammed Rafiq agreed to pay the amount within a stipulated time and gave an undertaking. Thereafter recording the same, the complaint has been closed.

5. The learned counsel appearing for the petitioner submits that the outcome of the complaint has not been intimated to the petitioner and the same is to be intimated. He further submits that the respondent police merely getting the undertaking from the counter complainant and not registered any case against him. The respondent is duty bound to register a case and enquire the same.

6.Considering the submissions and on perusal of materials, this Court finds that the closure of the complaint is to be intimated to the petitioner. In view of the same, the second respondent police is directed to serve the copy of the closure report to the petitioner. If the petitioner feels aggrieved, he has to file his objections before the respondent police, who to proceed with the enquiry and dispose of the complaint in accordance with law.

7.Accordingly, the Criminal Original Petition is disposed of.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



ah/sp

To

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1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai - 600 021.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Manikandan, Advocate Sr.2641

Cr1.O.P.No.368 of 2022

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srg 28/01/2022