



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.13136 of 2022

S.Vinayagamurty

... Petitioner/Defacto Complainant

Vs.

1. The Inspector of Police,
Mangalam Police Station,
Tirupur District.

2. Mr.D.Sivasamy
Sub Inspector of Police,
Mangalam Police Station,
Tirupur District.

3. V.Raghupathy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the Order passed by the second respondent, Sub Inspector dropping the proceedings on 13.03.2022 on the petitioner complaint dated 13.03.2022 itself, in C.S.R.No.36 of 2022 of Mangalam Police Station, directing the first respondent, the Inspector of Police to take further action.

For Petitioner : Mr.M.Kalayanasundaram, SC
for Mr.R.Vasudevan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to set aside the Order passed by the second respondent dropping the proceedings on 13.03.2022 on the petitioner complaint dated 13.03.2022 itself, in C.S.R.No.36 of 2022 of Mangalam Police Station, directing the first respondent, the Inspector of Police to take further action.

2. It is the contention of the learned counsel appearing for the petitioner that the Sub Inspector of Police has closed



the complaint given by the petitioner without properly conducting investigation and therefore, the Order of closure of the complaint has to be set aside.

3. It is relevant to note that when the complaint is lodged, it is the duty of the enquiry officer to enquire the complaint and if the enquiry officer has closed the complaint, the remedy available to the petitioner is to proceed further as per law by initiating private complaint and he cannot dictate the police to proceed as per whims and fancies of the petitioner.

4. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to approach the concerned Judicial Magistrate for filing private complaint.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
Mangalam Police Station,
Tirupur District.

2. The Public Prosecutor,
High Court of Madras.

+2cc to Mr.R.Vasudevan, Advocate, S.R.No.32859

Crl.O.P. No.13136 of 2022

GPL (CO)
SB(15/06/2022)