



Crl.O.P.(MD).No.21824 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

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Kanagaraj

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Central Crime Branch Police Station,
Madurai Town,
Madurai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to register a criminal case based on the order passed by the learned Judicial Magistrate No.1, Madurai, in Crl.M.P.No.434/2022, dated 29.08.2022.

For Petitioner : Mr.K.Suyambulinga Bharathi

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed seeking direction to the 2nd respondent to register a criminal case based on the order passed by the learned Judicial Magistrate No.1, Madurai, in Crl.M.P.No.434 of 2022, dated 29.08.2022.

2.The learned Additional Public Prosecutor submitted that on the basis of the direction given by the learned Judicial Magistrate, enquiry was undertaken. During the course of enquiry, both parties appeared and gave statement to the effect that the accused person has given cheques to the defacto complainant party to discharge his liability. Since the defacto complainant received the cheque, they have stated that they will workout their remedy before the Civil Court. On the basis of the above said statement of parties, closure report has been submitted before the concerned Court on 25.11.2022 and the copy of the same was also sent to the petitioner herein through RPAD and acknowledgment card has also been received.

3.The grievance of the petitioner is that a specific direction has been given to the Inspector of Police to conduct the enquiry. But the above said enquiry was conducted by the official who is not the Station House Officer,



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who is the competent authority.

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4.The petitioner can workout his remedy before the concerned Magistrate himself. Since already a closure report has been made, this Court again cannot direct the Inspector of Police to take fresh enquiry.

5.With the above directions, this criminal original petition is disposed of.

12.12.2022

Index : Yes / No

Internet : Yes / No

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To

1.The Judicial Magistrate No.I, Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Inspector of Police,
Central Crime Branch Police Station,
Madurai Town,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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