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Crl.O.P.No.4097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4097 of 2023

M/s.MIOT Hospitals Private Limited
Being represented by Mr.Hariharan.R
Male/Aged about 50 years old
Its Authorized Signatory
Vice President, Liaison & Public Relations
Department, having office at No.4/11,
Mount-Poonamallee Road,
Manapakkam, Chennai – 600 089. ... Petitioner

Vs.

State represented by Inspector of Police,
S-4, Nandambakkam Police Station,
Nandhambakkam, Chennai. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C.
praying to call for records and set aside the closure report dated 10.01.2023
issued by the respondent and direct the respondent to comply with the order
of the Judicial Magistrate No.I, at Alandur, Chennai in Crl.M.P.No.5667 of
2022 dated 21.12.2022 by registering the FIR against the accused person.

For Petitioner : Mr.S.P.Siva Pradosh

For Respondent : Mr.S.Santhosh



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Government Advocate (Crl.side)

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ORDER

This Criminal Original Petition has been filed to call for records and set aside the closure report dated 10.01.2023 issued by the respondent and direct the respondent to comply with the order of the Judicial Magistrate No.I, at Alandur, Chennai in Crl.M.P.No.5667 of 2022 dated 21.12.2022 by registering the FIR against the accused person.

2.The learned counsel for the petitioner submitted that petitioner filed private complaint under Section 156 (3) Cr.P.C. in C.M.P.No.5667 of 2022 on the file of the learned Judicial Magistrate No.1, Alandur. The learned Judicial Magistrate No.1, Alandur directed the respondent to conduct preliminary enquiry as per the guidelines stipulated by Hon'ble Supreme Court in ***Lalitha Kumari Vs. Government of U.P. and others*** reported in ***[2014 (2) SCC 1]*** and if the enquiry discloses cognizable offence, First Information Report must be registered. He further submitted that without conducting proper enquiry, respondent filed closure report stating that the complaint was closed as “Mistake of Fact”. Therefore, this petition.

3.The learned counsel for the petitioner further submitted that without



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conducting a proper investigation, filing of closure report is not legal.

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4.The learned Government Advocate (Criminal side) submitted that the enquiry conducted by the respondent Police did not reveal a case for prosecution under criminal law and therefore, further action was dropped.

5.When final report is filed, dropping of further action on the complaint given by the petitioner, petitioner has to approach the learned concerned Magistrate for appropriate remedy like filing protest petition etc. Therefore, this petition is disposed of giving liberty to the petitioner to challenge the action dropped report filed by the respondent before the learned concerned Magistrate in the manner known to law.

6.With the above direction and observation, this Criminal Original Petition is disposed of.

24.02.2023

Internet:Yes
Index:Yes/No
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G.CHANDRASEKHARAN, J.

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To:

1. Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam, Chennai.

2. The Public Prosecutor,
High Court, Madras.

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