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Crl.O.P.No.8893 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8893 of 2023

P.Kirubanda Thayanithi

...Petitioner

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
District Police Head Quarters,
Dharmapuri District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 24.03.2023 passed by the learned Judicial Magistrate II, Dharmapuri and consequently to take up file which was filed by the petitioner under Section-173(8) of Criminal Procedure Code 1973 in Crl.CMP.Sr.No.11124/2022 and pass such other orders.

For Petitioner : Mr.P.Vijendran

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER



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This Criminal Original Petition is filed to set aside the order dated 24.03.2023 passed by the learned Judicial Magistrate II, Dharmapuri and consequently to take up file which was filed by the petitioner under Section-173(8) of Criminal Procedure Code 1973 in Crl.CMP.Sr.No.11124/2022.

2. Learned counsel for the petitioner submitted that, petitioner gave a complaint against some private persons. After enquiry that complaint was closed. A copy of the closure report was also served on the petitioner. Petitioner has now filed a petition before the learned Judicial Magistrate II, Dharmapuri under Section-173(8) of Criminal Procedure Code, to reject the closure report given by the respondent police on 11.06.2020. This petition was returned by the learned Judicial Magistrate II, Dharmapuri, stating that, there is no representation for the petitioner and that the clarification sought for was not complied by the petitioner and no records were available in the Court for passing orders on that petition.

3. Considered the submissions and perused the records.

4. From the submission of the learned counsel for the petitioner, it is



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clear that, on the basis of the complaint given by the petitioner, respondent police conducted enquiry and closed the same as “Mistake of Fact”. The copy of the closure report was also served on the petitioner. It is apparent that, there is no First Information Report was registered and submitted to the learned Judicial Magistrate. Unless First Information Report is registered and submitted to the concerned Court, there is no reason for the police to submit the closure report before the Court.

5. Therefore, this Court finds nothing illegal and inappropriate in returning the petition stating that no records are available in the file of the learned Judicial Magistrate II, Dharmapuri. Accordingly, this Criminal Original Petition is dismissed.

24.04.2023

Internet :Yes

Index :Yes/No

gd

G.CHANDRASEKHARAN, J.



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To:

- 1.The Inspector of Police,
District Crime Branch,
District Police Head Quarters,
Dharmapuri District.
- 2.The Public Prosecutor,
High Court of Madras.

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24.04.2023