



Crl.O.P.No.23925 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.23925 of 2022

P.Thirupathi

... Petitioner

Versus

1.The Superintendent of Police,
O/o.District Superintendent of Police,
Cuddalore District,
Cuddalore.

2.State by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.

... Respondents

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent to register a case on the basis of the complaint dated 15.04.2021 by following the order in C.M.P.No.461/2022 of the Sessions Judge, Special Court for trial of Cases under SC/ST (PoA) Act, Cuddalore dated 12.07.2021 and conduct an investigation in a fair and proper manner.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor



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CrI.O.P.No.23925 of 2022

ORDER

This petition has been filed by the petitioner, who lodged a private complaint before the Special Court for Trial of Cases under SC/ST Act, Cuddalore making allegations against one Perumal, S/o.Vadamalai and for the inaction of the respondent police in registering a case and conduct investigation.

2. Mr.S.Ashok Kumar, Additional Deputy Superintendent of Police, Head Quarters, Cuddalore is present before this Court.

3. The petitioner filed a complaint before the Special Judge, Special Court for trial of Cases under SC/ST Act, Cuddalore on 05.07.2021. The learned Special Judge, Cuddalore by an order dated 12.07.2021, forwarded the complaint filed by the petitioner under Section 200 Cr.P.C. to the first respondent in D.No.450 of 2021 to make fair investigation and to submit a report of investigation to the Court. Thereafter, a reminder letter has been



CrI.O.P.No.23925 of 2022

sent in D.No.415 of 2022 dated 02.05.2022. Thereafter too, no report has been submitted. Hence, the petitioner filed the above petition to direct the second respondent to conduct an investigation following the orders in C.M.P.No.461 of 2021 dated 12.07.2021.

4. The contention of the petitioner is that on the complaint of the petitioner, the trial Court finding materials had forwarded the same to the Superintendent of Police as early as on 12.07.2021 to register the case and conduct investigation. Since no investigation report has been filed, the petitioner again knocked the door of the Special Judge. The learned Special Judge by communication dated 02.05.2022 reminded the Superintendent of Police to file the investigation report. Till now no report has been filed and no investigation has been conducted. Hence, the above petition.

5. The gist of the complaint according to the petitioner is that the petitioner was working as a contract labour in NLC India Ltd. During the year 2014 to 2016 he was working in “Jothi Construction” under one Perumal



Crl.O.P.No.23925 of 2022

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S/o.Vadamalai, who is the Proprietor of the said Jothi Construction. The petitioner had good relationship with the said Perumal. During July 2018, the said Perumal taken a loan of Rs.5,00,000/- and in January, 2019, a sum of Rs.5,00,000/-. In total, Perumal had taken Rs.10,00,000/- from the petitioner for his urgent business and family needs. Though he had undertook to repay the loan within a short period he failed to do so. Hence, on 14.04.2021 in the afternoon the petitioner went to the office of Perumal to demand his money back. At that time he was accompanied by one Radhakrishnan and Kothandapani. The said Perumal had scolded the petitioner with his caste name and also slapped on his cheek and threatened him with deadly weapon. The next day, the petitioner lodged a complaint to the Superintendent of Police. Since no action has been taken, again he sent representation to the Superintendent of Police, Cuddalore, Deputy Superintendent of Police, Neyveli and to the Inspector of Police, Thermal Police Station, Neyveli on 11.05.2021. Thereafter he filed a private complaint before the learned Special Judge, Special Court for Trial of Cases under SC/ST Act, Cuddalore.



Crl.O.P.No.23925 of 2022

WEB COPY

6. Learned Additional Public Prosecutor submits that the Additional Superintendent of Police, Cuddalore, who conducted enquiry in this case is present along with the CD file and the same has been produced before this Court for perusal. He further submitted that investigation in this case has been conducted. The learned Special Judge had forwarded the complaint under Section 200 Cr.P.C. and hence following Section 202 Cr.P.C. procedure enquiry has been conducted and report has been submitted before the learned Special Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Cuddalore on 04.11.2022. During enquiry, the petitioner Thirupathi and other witnesses Radhakrishnan, Thanigaivel, Paramasivam as well as Perumal have been examined. During enquiry it is also found that said Perumal had lodged a complaint on 10.04.2021 to the Superintendent of Police, which was forwarded to the Thermal Police Station and later the complaint was enquired by the District Crime Branch. During enquiry both the petitioner as well as the said Perumal agreed to approach the Civil Court



Crl.O.P.No.23925 of 2022

to seek their redressal, since it was purely a money transaction in civil dispute. As regards the usage of abusive words there was no sufficient materials, on the other hand there are contrary version given by the witnesses. Now a report has been submitted to the concerned Magistrate, certified copy of the same has been handed over to the petitioner. Counsel for the petitioner received the same with an acknowledgement.

7. Considering the above submissions and on a perusal of the material it is seen that the petitioner had been served with the closure report dated 04.11.2022. If the petitioner is aggrieved by the closure report, it is for the petitioner to approach the concerned Court and seek his remedy.

8. Accordingly, this Criminal Original Petition is dismissed.

20.06.2023

Index : Yes / No
Internet : Yes/No
Speaking / Non-speaking order
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Crl.O.P.No.23925 of 2022

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To

1.The Superintendent of Police,
O/o.District Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.23925 of 2022

M.NIRMAL KUMAR, J.

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Crl.O.P.No.23925 of 2022

20.06.2023