



WEB COPY

Crl.O.P. No.590 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM :

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P. No.590 of 2024

R. Elayaraja

Petitioner

vs.

The State represented by
the Inspector of Police
T-9 Pattabiram Police Station
Chennai 600 072
Cr. No.549 of 2015

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to investigate the case in Cr.No.549 of 2015 on the file of the respondent police in accordance with law and as expeditiously as possible and file a final report within a month.

For petitioner
For respondent

Ms. G. Jayashree
Mr. S. Udayakumar
Govt. Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking a direction to the respondent police to investigate the case in Cr.No.549 of 2015 which was initially registered for the offence under Section 307 IPC on 19.09.2015, in accordance with law and as expeditiously as possible and file a final report within a month.



WEB COPY

2. The petitioner is the victim/*de facto* complainant. His complaint dated 19.09.2015 indicates that he is an Advocate practising in the Madras High Court. On 23.05.2015, around 10.30 p.m., when he was at his home having dinner, he received a phone call from mobile no.99620 45533. The caller identified himself as a client who wants to discuss a case and called him to come near Pattibiram railway station ticket counter. When the petitioner went to the said place in his motorbike, four persons attacked him with an iron rod. He was taken to hospital by the persons nearby and was treated as in-patient till 16.07.2015. Alleging that he was brutally attacked and the earlier complaint received from the hospital authorities that it was a mere accident is incorrect, this criminal original petition has been filed seeking the aforesaid relief.

3. At the outset, it is worth pointing out that the petitioner's complaint which came to be registered on 19.09.2015 *i.e.*, four months after the occurrence on 23.05.2015, for the offence under Section 307 IPC, is now sought to be expedited by way of this criminal original petition after a period of nine years.

4. The learned Government Advocate, after verifying the records, submitted that after registering the complaint, the investigation



WEB COPY



disclosed that it is not a case of attempt to murder, but it is a case of offence under Sections 279 and 338 IPC and hence, this was informed to the Judicial Magistrate, Tiruvallur and later, it was closed under Section 468 Cr.P.C. and the said factum was intimated to the Judicial Magistrate, Tiruvallur, on 26.07.2023. The petitioner was also informed about the closure of the case.

5. On the contrary, the learned counsel for the petitioner submitted that no closure report was received by him and he was also not informed of the alteration of the charge under Section 307 IPC into Sections 279 and 338 IPC.

6. In normal circumstances, this Court would have interfered with the closure report. But, in the instant case, the petitioner, who is an Advocate practising in this Court, is one who is exposed to law and procedure and not a layman. As already adverted to above, he has approached this Court after nine years of his complaint and moreover, even the said complaint was late by four months. The complaint which is closed on the point of limitation and the petitioner who was put on notice about the closure, is before this Court seeking the relief which has become infirm on the filing of closure report on 26.07.2023.



Crl.O.P. No.590 of 2024

WEB COPY

In such perspective of the matter, this criminal original petition is dismissed as having become infructuous.

16.08.2024

cad



Crl.O.P. No.590 of 2024



To:

WEB COPY

- 1 The Inspector of Police
T-9 Pattabiram Police Station
Chennai 600 072
- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104



WEB COPY



Crl.O.P. No.590 of 2024

DR. G. JAYACHANDRAN, J.

cad

Crl.O.P. No.590 of 2024

16.08.2024