



WEB COPY



W.P.No.5418 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5418 of 2024

And

W.M.P.No.5978 of 2024

K.Sendhil

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Coimbatore District,
Coimbatore.
- 2.The Deputy Superintendent of Police,
O/o.The Superintendent of Police,
Land Grabbing Special Cell,
3rd Floor, Railway Station Road,
Coimbatore.
- 3.The Inspector of Police,
Kovilpalayam Police Station,
Kovilpalayam,
Coimbatore District.
- 4.N.Jagadeesh
- 5.M.Senthilvel
- 6.R.S.Sibikumar
- 7.Ramamoorthy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus call for the records of the impugned order passed by the third respondent dated 08.12.2023 and quash the same and direct the second respondent to conduct the enquiry based the petitioner representation dated 05.04.2023 occurrence with law.

For Petitioner : M/s.Haritha
For Respondents : Mr.A.Damodaran for R1 to R3
Additional Public Prosecutor

O R D E R

This writ petition has been filed challenging the closure report of the third respondent dated 08.12.2023, wherein the third respondent has closed the complaint as civil in nature and has directed the parties to approach the civil Court and to work out their remedy.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.In the considered view of this Court, the third respondent has conducted the enquiry and has come to a conclusion that the dispute is civil in nature and has directed the parties to work out their remedy before the competent civil Court. According to the petitioner, the complaint given to the respondent Police makes out a cognizable



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offence. Under the given circumstances, the petitioner broadly can work out two remedies. The first remedy is that the petitioner can file an application under Section 156(3) of Cr.P.C. before the concerned jurisdictional Magistrate Court and seek for a direction to the respondent Police to register an F.I.R. and proceed further with the investigation under Chapter 12 of Cr.P.C. The other option that is available to the petitioner is to file a private complaint under Section 200 of Cr.P.C. and work out the remedy in line with Chapter 15 of Cr.P.C. Except giving this clarity, no further orders can be passed in this writ petition.

4.This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

04.03.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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N.ANAND VENKATESH,J.
pri

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Coimbatore District,
Coimbatore.
- 2.The Deputy Superintendent of Police,
O/o.The Superintendent of Police,
Land Grabbing Special Cell,
3rd Floor, Railway Station Road,
Coimbatore.
- 3.The Inspector of Police,
Kovilpalayam Police Station,
Kovilpalayam,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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