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CrI.O.P.No.18898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.18898 of 2024

Peiyappan

....Petitioner

Versus

The State Rep By
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.

....Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to enquire the petitioner complaint dated 15.10.2022 and register the same as per the direction of the Honble Judicial Magistrate No.II, Krishnagiri in CrI.M.P.No.12960/2022 dated 02.01.2023.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein is the complainant before the Judicial Magistrate in CrI.M.P.No.12960/2022, on the file of the Judicial



Crl.O.P.No.18898 of 2024

Magistrate No.II, Krishnagiri. The complaint which was filed under Section 156(3) Cr.P.C., was disposed of by the Judicial Magistrate vide order dated 02.01.2023, directing the Inspector of Police, Gurubarapalli Police Station to expedite the enquiry based on the complaint and complete the same within a period of 15 days from the date of receipt of a copy of the order. If any cognizable offence is made out, the Inspector of Police, Gurubarapalli Police Station was directed to take action in accordance with law and in case no cognizable offence made out directed to close the complaint and forward the closure report and serve copy of the closure report at free of costs to the complainant within 7 days from closure.

2. Since the Inspector of Police, Gurubarapalli Police Station had failed to comply the order of the Judicial Magistrate, the present petition under Section 482 Cr.P.C., is filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that pursuant to the Judicial Magistrate direction, the Investigating Officer has completed the preliminary investigation and closed the complaint. However, had not forwarded the



CrI.O.P.No.18898 of 2024

copy to the complainant till date.

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4. The Inspector of Police had neither sent the closure report dated 12.02.2023. This Court finds that the Inspector of Police has committed a serious disobedience of the Judicial Magistrate order. For no reason he has withheld the report despite there is a specific direction by the Judicial Magistrate to serve the copy of the report to the complainant within 7 days of closure. This direction has been given by the Judicial Magistrate to enable the complainant to work out his remedy, if his complaint not registered but closed. The inaction of the Inspector of Police has deprived the valuable right of the complainant to pursue his remedy.

5. It is a fit case to impose costs of Rs.25,000/- to the Inspector of Police payable to the complainant to compensate the complainant who had been suffered injustice at the hands of the Inspector of Police. The Superintendent of Police, Krishnagiri shall ensure that the costs be deducted from the salary of the Inspector of Police and pay to the complainant within a period of six weeks from today.

Dr.G.JAYACHANDRAN,J.



Crl.O.P.No.18898 of 2024

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WEB COPY 6. With the above directions, this Criminal Original Petition is disposed of.

06.08.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Judicial Magistrate No.II, Krishnagiri

2.The Superintendent of Police,
Krishnagiri District.

3.The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.18898 of 2024