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**(2014) 11 MAD CK 0548**  
**In the Madras High Court**  
**Case No : Crl.O.P. No. 19880 of 2014**

Arumugam

APPELLANT

Vs

The Superintendent of Police

RESPONDENT

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**Date of Decision :** 12-11-2014

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 173, 173(8), 482

**Citation :** (2014) 11 MAD CK 0548

**Hon'ble Judges :** S. Vaidyanathan, J

**Bench :** Single Bench

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## Judgement

S. Vaidyanathan, J.—The petitioner has filed this petition under Section 482 Cr.P.C., praying to direct the register a case in accordance with law on the complaint of the petitioner dated 18.08.2014.

2. The learned Government Advocate (Crl.side) appearing for the respondents would submit that the complaint is pending before the Inspector of Police, Chinthamanipatti Police Station, Karur District and not before the Inspector of Police, District Crime Branch, Karur, and the same will be taken and it will be enquired into and if any prima facie case is made out, the said complaint would be registered and the investigation would also be commenced.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

4. Considering the submissions made on either side and since the Inspector of Police, Chinthamanipatti Police Station, Karur District, is coming under the first respondent jurisdiction, this Court is inclined to direct the first respondent police to follow the principles and directions laid down by the Hon''ble Supreme Court in the decision reported in Lalita Kumari Vs. Govt. of U.P. and Others, .

5. The concerned police is directed to take note of the Constitution Bench decision reported in Lalita Kumari Vs. Govt. of U.P. and Others, mentioned supra and not to act according to their whims and fancies. Further, this Court is very

clear that in the case of closure, a copy of the closure report should be given to the petitioner within a week. The Magistrate to whom a copy of the report is forwarded under Section 173 is expected to comply with the various provisions of the Code of Criminal Procedure, 1973; the police is also expected to comply with Section 173(8) of the Code of Criminal Procedure, 1973, wherever it is necessary, if there are no legal impediments.

6. The concerned parties should be heard by Police. In case the concerned police does not register any case on the ground that the averments in the complaint does not fall in any one of the conditions mentioned in the order of the Honourable Supreme Court, the petitioner is not without any remedy. It is open to them to seek for the registration of complaint in terms of principles laid down by the Honourable Apex Court in *Sakiri Vasu Vs. State of U.P. and Others*, equivalent to the judgment reported in 2007 (4) Crimes 338 (SC).

7. In the unlikely event of Police not registering the case, it is open to complainant to make a private complaint or recourse to any other provisions in the manner known to law.

8. This petition is disposed of accordingly.