

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.07.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.13989 of 2015

Y.Akbar Ahmed

... Petitioner

Vs

The Inspector of Police,
CCB/ALGSC-II,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to file charge sheet in Crime No.35 of 2014 within a stipulated time.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.C.Emalias, Addl. Public Prosecutor

ORDER

This petition has been filed to direct the respondent to file charge sheet in Crime No.35 of 2014.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. On 13.07.2015, this Court has passed the following order:

"Seeking a direction to the respondent to file charge sheet in Crime No.35 of 2014, the petitioner has come up with this petition.

2.No representation on behalf of the petitioner.

3.Heard the learned counsel Additional Public Prosecutor for the respondent and perused the material placed on record.

4.The learned Additional Public Prosecutor submitted that the investigation has been completed in Crime no.35 of 2014 and the final report has been filed on 03.07.2015 before the learned Judicial Magistrate, Alanthur.

In view of the above, this Criminal Original Petition is closed."

4. Today, the matter was called "for being mentioned". Learned counsel for the petitioner submitted that the respondent Police have filed a Final Report closing the case as mistake of fact.

5. Under such circumstances, liberty is given to the petitioner/ de facto complainant to file a protest application and on such protest application being filed, the learned Judicial Magistrate, Alandur is directed to take action in accordance with law, as laid down by the Supreme Court in *Vinay Tyagi Vs Irshad Ali* reported in 2013 [5] SCC 762.

With the above direction, this petition is closed.

20.07.2015

gya

To

1.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thiruvallore District.

2.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.
gya

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