

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21211 of 2015

T.Suresh Kumar

... Petitioner

Vs

1.The State rep by
The Inspector of Police,
St. Thomas Mount,
Chennai-16.

2.The Inspector of Police,
S-3, Meenambakkam Police Station,
Chennai-27.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to order fresh investigation of FIR No.5458 of 2012 by CBI for an impartial and comprehensive investigation of the same taking note of the all the evidence furnished by the petitioner which are on record in the interest of justice.

For Petitioner : Mr.R.Chellappa

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

O R D E R

This petition has been filed to order fresh investigation of FIR No.5458 of 2012 by Central Bureau of Investigation.

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

3. On a complaint lodged by the petitioner, the respondent police registered a case in crime No.5458 of 2012 under Section 457, 380 IPC. After completing investigation, the respondent police have filed a Closure Report as further action dropped, after serving RCS notice on the petitioner/ complainant before the learned Judicial Magistrate, Alandur.

4. Mr.Chellappa, learned counsel for the petitioner submits that the police have not properly investigated the offence and further investigation should be ordered.

5. Taking into consideration the nature of the allegations in the FIR, this Court is of the view, that this is not a fit case to transfer the case as prayed for by the petitioner. Hence, this petition is closed with liberty to the petitioner to file a protest application before the learned Judicial Magistrate, Alandur and on such application being filed, the learned Magistrate shall take action in accordance with law as laid down by the Hon'ble Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

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s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

- 1.The State rep by
The Inspector of Police,
St. Thomas Mount,
Chennai-16.
 - 2.The Inspector of Police,
S-3, Meenambakkam Police Station,
Chennai-27.
 - 3.The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.R.Chellappa, Advocate SR 45090

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