

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28376 of 2015

R.Venkatachalam

... Petitioner

Vs

1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
O/o.Superintendent of Police,
Nagapattinam District.

3.The Inspector of Police,
Vedarunyam Police Station,
Nagapattinam District.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 3rd respondent police to file final report based on the FIR No.306/2011 dated 23.9.2011, on the file of 3rd respondent police, failing which to take action against the above said accused.

For Petitioner : Mr.J.Justin and A.Solomon

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

ORDER

The present criminal original petition has been filed by the petitioner seeking a direction to the third respondent police to file final report based on the FIR No.306 of 2011 dated 23.9.2011.

2. It is the case of the petitioner that he has lodged a complaint with the third respondent police on 23.9.2011 as

against one Murugan and others and the same was registered in Crime No.306 of 2011 for the offence punishable under Sections 465, 468, 477 (A), 420 and 506(ii) I.P.C. Though four years have lapsed from the date of registration, till date, the third respondent police has not filed the final report. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that on the ground of limitation, the learned District Munsif cum Judicial Magistrate, Vedaranyam, has closed the complaint in FIR No.306 of 2011 on 23.11.2013 itself. Further, he has submitted that though the case was registered for the alleged offence punishable under Sections 465, 468, 477 (A), 420 and 506(ii) I.P.C., the learned Magistrate without properly taking note of the same, has closed the case on the ground of limitation.

4. Since the complaint in FIR No.306 of 2011 has already been closed by the learned District Munsif cum Judicial Magistrate, Vedaranyam, on 23.11.2013 itself, at this juncture, this Court cannot entertain the prayer of the petitioner. Hence, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy as against the order passed by the learned District Munsif cum Judicial Magistrate, Vedaranyam, dated 23.11.2013, in the manner known to law, if he is so advised.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

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To

1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
O/o.Superintendent of Police,
Nagapattinam District.

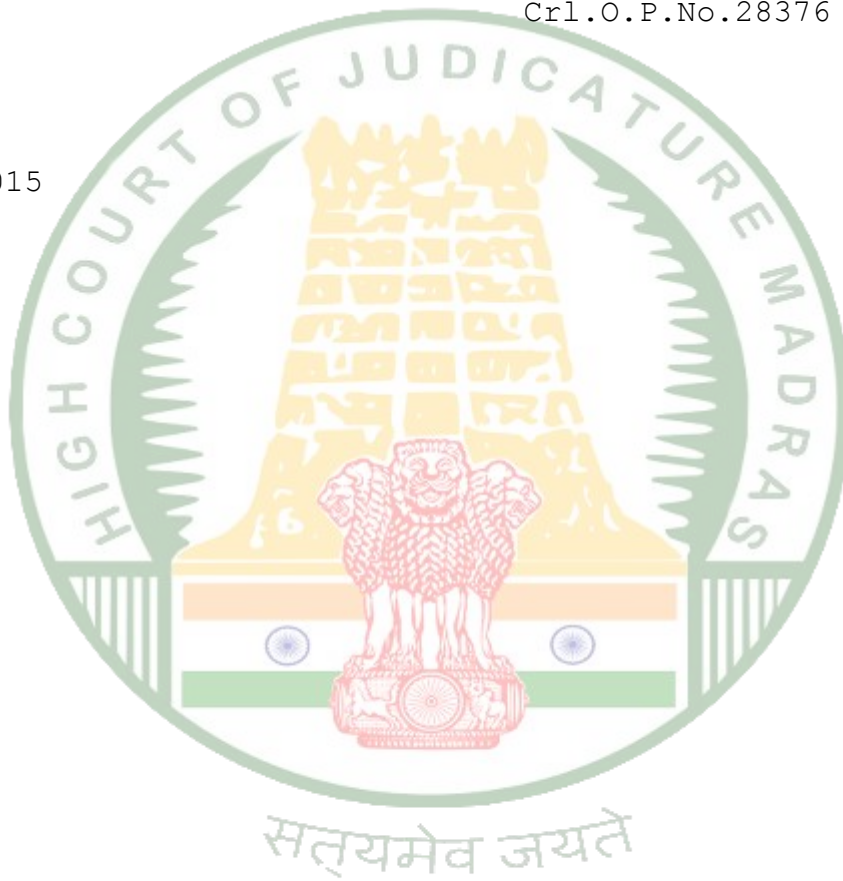
3.The Inspector of Police,
Vedarunyam Police Station,
Nagapattinam District.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.J.Justin & A.Solomon Advocate
sr.65569

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