

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.20646 OF 2016

V.S.Neelakandan Jothidar

.. Petitioner

versus

1. The Commissioner of Police,
E.V.K.Sampath Salai,
Vepery,
Chennai-600007.

2. The Inspector of Police,
F-2, Egmore Police Station,
Egmore,
Chennai-600008.

.. Respondents

Prayer: This petition is filed under Section 482 Cr.P.C., praying to direct the second respondent, the Inspector of Police, F-2 Egmore Police Station, Chennai to file a final report pertaining to the petitioner's complaint registered in Crime No.435 of 2005 under Sections 448, 387, 380 and 506(ii) IPC.

For Petitioner : Mr.R.Mohanavel

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

ORDER

This petition is filed, praying to direct the second respondent, the Inspector of Police, F-2 Egmore Police Station, Chennai to file a final report pertaining to the petitioner's complaint registered in Crime No.435 of 2005 under Sections 448, 387, 380 and 506(ii) IPC.

2. Pursuant to the summons issued by this Court, Mr.K.Settu, Inspector of Police, F-2 Egmore Police Station, Chennai is present with case file.

3. On his instructions, learned Additional Public Prosecutor submitted that the petitioner has wrongly given the crime number as 435 of 2005, but whereas, the correct crime number is 435 of 2003. On a perusal of typed set of papers and the FIR copy, the crime number has been mentioned as 435 of 2003, registered against one Dr.M.S.Kadirvel.

4. Learned Additional Public Prosecutor submitted that the investigation in Crime No.435 of 2003 was completed and the case was closed as 'mistake of fact'. He produced the file, which shows that the case was closed as 'mistake of fact'. He further submitted that on the complaint given by

Dr.M.S.Kadirvel, a case in Crime No.349 of 2013 was registered against the petitioner for the offences under Sections 420, 448 and 506 (ii) IPC and investigation is completed and final report is ready to file. As a counter-blast, the petitioner has given the complaint against Dr.M.S.Kadirvel by filing a petition under Section 156(3) Cr.P.C. before XIV Metropolitan Magistrate, Chennai and obtained a direction and pursuant to which, the case in Crime No.435 of 2013 was registered and subsequently, it was closed. Learned Additional Public Prosecutor further submitted that the petitioner has given another complaint on 13.9.2014 against Dr.M.S.Kadirvel on similar allegations and filed a petition in CrIOP No.28725 of 2015 and pursuant to the direction of this Court, enquiry was conducted and the same was also closed.

5. Recording the submissions made by the learned Additional Public Prosecutor that the case in Crime No.435 of 2003 was closed as a 'mistake of fact, this Criminal Original Petition is closed.

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P.N.PRAKASH, J.

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