

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11308 of 2016

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,  
Superintendent Office of Police,  
Vedaranyam, Nagapattinam District.

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

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent Police to file final report in FIR.No.306/2011 dated 23.09.2011 on the file of the third respondent-Police.

For Petitioner : Mr.J.Justin

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

ORDER

This Criminal Original Petition has been filed to direct the third respondent Police to file a final report in FIR.No.306 of 2011 dated 23.09.2011.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that a case in Crime No.306 of 2011 was registered by the third respondent-Police and this petitioner filed Crl.OP.No.28376 of 2015, in which, this Court has passed the following order on 07.12.2015:

" 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."

4. Thereafter, the petitioner appears to have made a copy application before the learned District Munsif cum Judicial Magistrate, Vedaranyam, for the certified copy of the final report, which was returned on the ground that, no final report has been filed by the Police. Hence, the petitioner is before this Court for a direction to the third respondent-Police to file a final report in Crime No.306 of 2011.

5. On a reading of the order extracted above, it is clear that the case in Crime No.306 of 2011 was closed, not on account of the closure report filed by the respondent-Police, but on account of the learned Magistrate closing it as barred by limitation. Hence, no direction as prayed for can be granted to the petitioner.

With the above observation, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director General of Police,  
Office of the Director General of Police,  
Mylapore, Chennai - 600 004.
- 2.The Superintendent of Police,  
Superintendent Office of Police,  
Vedaranyam, Nagapattinam District.
- 3.The Inspector of Police,  
Vedaranyam Police Station,  
Vedaranyam, Nagapattinam District.
- 4.The Public Prosecutor,  
High Court, Madras.

Cr1.OP No.11308 of 2016

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srg 12/07/2016

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