

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.7671 of 2016

M/s.Goodwin Pumps India [P] Ltd.,
Rep by its Authorised Signatory,
K.Kalyanaraman,
No.112/1, Chinna Amman Koil Street,
Kalavakkam, Thiruporur,
Kancheepuram.

... Petitioner/Defacto
Complainant

Vs

State of Tamil Nadu
Rep by Sub Inspector of Police,
CCB EDF-1, Team-I, Vepery,
Chennai-7.
Crime No.93/2014

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to further investigate into the subject matter of the FIR in Crime No.93 of 2014.

For Petitioner : Mr.S.Anil Sandeep

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent police for further investigation in Crime No.93 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. It is seen that on the complaint given by the petitioner, a case in Crime No.93 of 2014 was registered and after completing investigation, the police have filed Final Report in CC.No.3211 of 2015 before the Chief Metropolitan Magistrate, Egmore against three accused, for offences under Sections 406, 420, 482 r/w 120[B] IPC.

4. While so, the de facto complainant has filed the

present petition for a direction to the respondent police to conduct further investigation in Crime No.93 of 2014, on the ground that the accused had created a website, while he was working with the de facto complainant and has been transacting business through it. After the FIR was filed, the accused appears to have created domain name, one of which, has a similarity to the petitioner's name.

5. This Court perused the final report and other documents. It is the case of the de facto complainant that while the 1st accused was in service with the de facto complainant, he has been selling spurious products as if it was manufactured by the de facto complainant's company to various customers. The Police have collected enough materials to show these bogus transactions. At this juncture, if further investigation is ordered in order to find out the aspects that fall within the purview of the Information Technology Act, as alleged by the de facto complainant, it will only further prolong the prosecution, which will enure to the advantage of the accused.

6. The power of the police to conduct further investigation does not cease on the filing of the final report in the light of Section 173[8] Cr.P.C. After all, investigation is a continuous process and if materials relating to new offences came to light, it is needless to state that the police can obtain formal permission from the Court and file a supplementary final report.

7. In the light of the above, this Court is of the view that this is not a fit case to order further investigation. That apart, the trial Court can also alter charges under Section 216 Cr.P.C. and add new person as an accused under Section 319 Cr.P.C., if it warrants, at the appropriate stage.

With the above observation, this petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Sub Inspector of Police,
CCB EDF-1, Team-I, Vepery,
Chennai-7

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S.Anil Sandeep, Advocate, sr.34631

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pvs co
kra 13.07.2016



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