

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.1 of 2014

M/s.Sri Renga Group of Companies

rep by S.Ramamoorthy,

Coimbatore-11.

... Petitioner/Defacto
Complainant

Vs.

1.State rep. By the
Sub Inspector of Police,
City Crime Branch,
Coimbatore City, Coimbatore
(Cr.No.123 of 2011)

...1st Respondent/Complainant

2.V.Raj Natarajan

3.P.Murugan

... Respondents 2 and 3/Accused

PRAYER: Criminal Revision filed under Section 397 r/w 401 of Cr.P.C. to set aside the impugned order dated 12/9/2013 passed by the learned Judge, Mahila Court, Coimbatore incharge of learned Judicial Magistrate No.I, Coimbatore in R.C.S.No.297 of 2013 and direct the learned Judicial Magistrate No.I, Coimbatore to give opportunity to the petitioner company to protest in writing the tainted investigation of the 1st respondent in Cr.No.123 of 2011.

For Appellant : Mr.C.S.Dhanasekaran

For 1st Respondent : Mr.R.Ravichandran
Government Advocate (Crl.side)

ORDER

This revision has been filed as against the impugned order dated 12.09.2013, passed in R.C.S.No.297 of 2013, accepting the final report filed by the first respondent police and closing the complaint.

2.The petitioner herein is the de-facto complainant. He has given a complaint against respondents 2 and 3 for an offence

under Section 420 r/w 34 IPC. Based on his complaint, a case was registered in Crime No. 123 of 2011 by the first respondent police, and after conducting investigation, the first respondent/police filed a negative final report stating that the complaint is civil in nature. After receipt of the final report, the Judicial Magistrate-I, Coimbatore issued a notice to the petitioner, enabling the petitioner to file a protest against the final report filed by the first respondent police. After several adjournments the matter was posted on 12.09.2013, since the complainant kept absent, the Judicial Magistrate accepted the final report and closed the FIR, as civil in nature. Challenging the above said order, the present revision has been filed.

3. Heard Mr.C.S.Dhanasekaran, learned counsel appearing on behalf of the petitioner and Mr.R.Ravichandran, Government Advocate(Crl.side) appearing on behalf of the first respondent.

4. Mr.C.S.Dhanasekaran, learned counsel appearing on behalf of the petitioner submitted that after receipt of notice, the petitioner appeared before the court and sought time for filing his objection. He also filed a petition seeking adjournment for that purpose. After several adjournments, the matter was finally posted on 12.09.2013, on that date, the petitioner was informed that the learned Judicial Magistrate was on leave and the matter would be called in the Mahila Court in the afternoon session. While he was waiting for the matter to be called at the Mahila Court up to 2.45 p.m., he was informed that the complaint was closed, without hearing his objection.

5. It is settled law, that when a negative final report filed and before accepting the final report, an opportunity should be given to the complainant to raise his objection for the final report.

6. According to the petitioner, he was present for all the hearings and sought time for filing protest petition and finally the matter was posted on 12.09.2013, on that date also he was present and without hearing him, the order has been passed, but the learned counsel appearing for the respondent disputed that.

7. In the above circumstances, in order to afford an opportunity to the petitioner to file a protest petition, the order passed by the learned Judicial Magistrate-I, Coimbatore is set aside and the matter is remanded back to the file of the

learned Judicial Magistrate-I, Coimbatore and the Judicial Magistrate is directed to afford an opportunity to the petitioner to raise his objection and on filing his objection, after hearing the petitioner, pass suitable orders on merits and in accordance with law.

With the above direction, the Criminal Revision is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate-I
Coimbatore.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.S.Dhanasekaran, Advocate Sr.21589

Criminal Revision No.1 of 2014

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srg 12/04/2017

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