

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.7996 of 2017

Krishna Rao Kallapalli

.. Petitioner/Accused 3

Vs

The State rep. by
The Inspector of Police,
C3 Manimangalam Police Station,
Kancheepuram District.

...Respondent/Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to pass an order, directing the respondent herein namely the Inspector of Police, C-3 Manimangalam Police Station to file a final report in the Crime No.425 of 2013, on the file of respondent police after recording the statement of the petitioner in the light of the observation in order dated 10.08.2015 by this court in Crl.O.P.No.9769 of 2015.

For Petitioner : Mr.A.Vijayakumar

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

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent police to file a final report in Crime No.425 of 2013 pending on his file, after recording the statement of the petitioner, in the light of the observation made in the order of this Court dated 10.08.2015 in Crl.O.P.No.9769 of 2015.

2. The case of the petitioner is that on the basis of the complaint lodged by one Sharmila, a case in Crime No.425 of 2013 came to be registered on 19.12.2013 by the respondent police for the offences punishable under Sections 147, 419, 420, 467, 468 and 471 IPC against seven persons, one among whom is the petitioner herein, who has been arrayed as A3. Pending investigation of the said case, the petitioner has lodged a complaint dated 05.11.2014, stating that the co-accused has impersonated him and committed the alleged offence and that, he is innocent. Finding no response on his complaint, he has

approached this Court by filing CrI.OP.No.9769 of 2015 seeking a direction to the second respondent therein to register a case. By order of this Court dated 10.08.2015, the said petition was disposed of, by directing the second respondent therein, who is the respondent herein, to take into consideration the stand taken by the petitioner and in the course of investigation, if it is found that the petitioner is an innocent person, it is needless to say that he should have to be dropped in the final report. Despite the same, till date, no steps have been taken by the respondent police to conduct investigation and file final report. Hence, this petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, who took notice for the respondent.

4. Admittedly, the FIR in Crime No.425 of 2013 was registered on 19.12.2013 against seven persons, including the petitioner herein. Pending investigation, the petitioner has filed a complaint dated 05.11.2014 against one A.M.Sekhar and his associates. Since no action was taken on the said complaint, he has approached this Court by filing CrI.OP.No.9769 of 2015 seeking a direction to the respondent herein to register his complaint. This Court by order dated 10.08.2015 has disposed of the said petition, directing the respondent to consider the statement made by the petitioner and drop the criminal proceedings against him, if it is found in the investigation that he is an innocent. Even thereafter, the respondent has not taken any steps to conduct investigation and file final report in Crime No.425 of 2013, pending on his file. Further, no plausible explanation has been forth coming, with regard to inaction on the part of the respondent, which in my view, cannot be countenanced.

5. Therefore, this Court directs the respondent police to complete the investigation and file final report in Crime No.425 of 2013 pending on his file, in the light of the observation made by this Court in the order dated 10.08.2015 in CrI.OP No.9769 of 2015, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

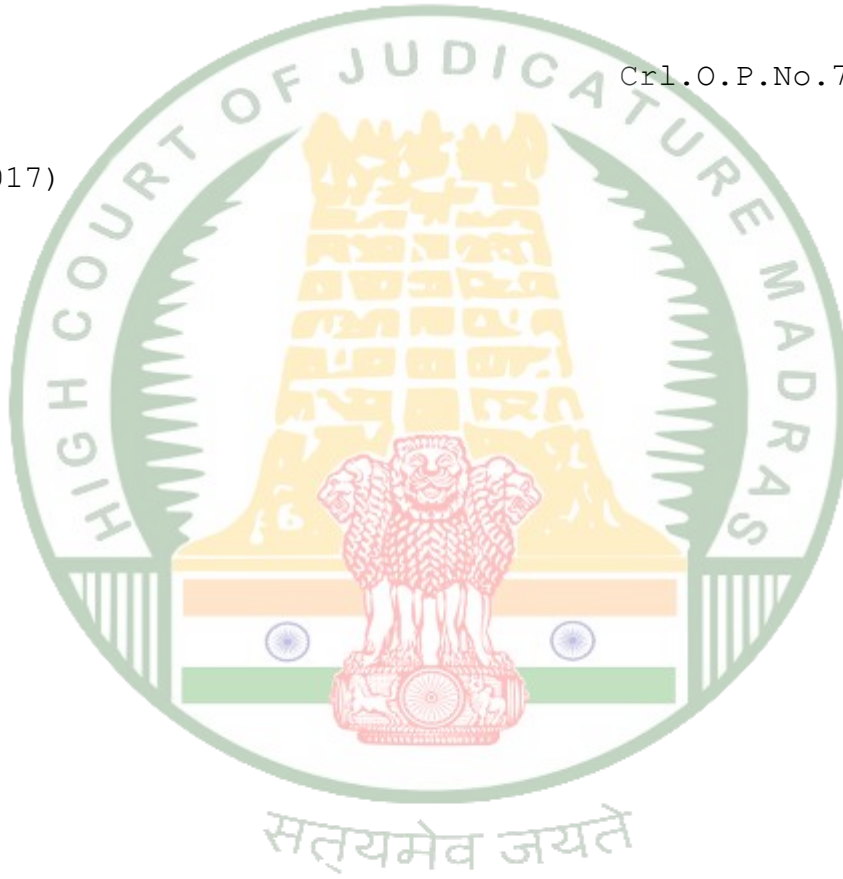
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To

1. The Inspector of Police,
C3 Manimangalam Police Station,
Kancheepuram District.
2. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

Crl.O.P.No.7996 of 2017

SR(CO)
VR(17/5/2017)



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