

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.6841 of 2016

N.Benjamin Franklin

... Petitioner

Vs.

The State of Tamil Nadu  
Rep. by Sub Inspector of Police,  
G.3-Kilpauk Police Station  
Chennai-600 010  
(Crime No.568 of 2005)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to file a final report in Crime No.568 of 2005 on the file of the learned Metropolitan Magistrate No.XIV, Egmore, Chennai.

For Petitioner : Mr.V.Rajesh  
For respondent : Mr.C.Emalias,  
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to file a final report in Crime No.568 of 2005 pending on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai.

2. It is the case of the petitioner that based on the complaint lodged by one Shanthi Soloman, a case in Crime No.568 of 2005 has been registered against the petitioner for the alleged offences punishable under Sections 354, 376 and 511 I.P.C. After investigation, the case was closed as "mistake of fact" and closure report was also filed to that effect before the learned XIV Metropolitan Magistrate, Egmore, Chennai. Challenging the same, the defacto complainant has approached this Court by filing CrI.O.P.No.25279 of 2011 which, by order dated 01.11.2011, was allowed by setting aside the order of the learned Magistrate recording the closure report filed by the respondent. Subsequently, the defacto complainant filed a protest petition in M.P.No.955 of 2011 in Crime No.568 of 2005 before the learned XIV Metropolitan Magistrate, Egmore, Chennai. By order dated 05.07.2012, the learned Magistrate has directed

the respondent police to investigate further and file a report on or before 23.07.2012. Even thereafter, final report was not filed. Since the petitioner/accused has been undergoing the ordeal for the past 12 years based on the false complaint, he has come forward with the present petition for the above stated relief.

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

4. Considering the facts and circumstances of the case, this Court directs the respondent to conduct further investigation as directed by the learned XIV Metropolitan Magistrate in MP.No.955 of 2012 in Cr.No.568 of 2005 on 05.07.2012 and file a final report, if not already filed, as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. The Criminal Original Petition is ordered accordingly.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

rm/rk

To

1.The XIV Metropolitan Magistrate,  
Egmore, Chennai.

2.The Sub Inspector of Police,  
G.3-Kilpauk Police Station  
Chennai-600 010.  
(Crime No.568 of 2005)

3.The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr. B.V. Rajesh, advocate sr 44050

Cr1.O.P.No.6841 of 2016

SK (CO)  
sp (25/07/2017)