

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.8233 of 2018

1.Vijaya Shanthi
W/o.M.V.S.Prasad
Rep. by her Power of Attorney
G.V.H.Prasad

2.M.V.S.Prasad
S/o.M.Poorna Chandra Rao
Rep. by his Power of Attorney
G.V.H.Prasad

.. Petitioners

Vs

State rep. by its
The Inspector of Police,
Central Crime Branch/XVIII,
Chennai.
(Crime No.251 of 2018)

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to investigate the case further in C.C.No.2765/2012 as per section 173 (8) Cr.P.C expeditiously.

For Petitioners : Mr.D.Nellaiappan

For Respondent : Mrs.M.Prabhavathi, APP

सत्यमेव जयते
O R D E R

On the complaint lodged by one Umapathy, the respondent Police have registered a case in Crime No.251 of 2008 on 02.05.2008 under Section 420, 469, 467, 468 r/w 471 and 120(B) IPC against Prema and others. In the said complaint, Umapathy had stated that Prema and others not only cheated him, but they have also cheated several others including the petitioners herein. However, the respondent Police have completed the investigation and filed a Charge Sheet in C.C.No.2765 of 2012 against the accused without any reference to the cheating that was done to the petitioners herein. Therefore, the petitioners are before this Court with the above prayer.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

3.Learned Additional Public Prosecutor submitted that the trial in C.C.No.2765 of 2012 has been begun with the examination of PW1 in-part.

4.In the opinion of this Court, there cannot be any further investigation at the request of the petitioners, in the light of the law laid down by the Supreme Court in Amrutbhai Shambubhai Patel Vs Sumanbhai Kantibhai Patel and Others [(2017) 4 SCC 177]. Just because the petitioners case were left out in the Charge Sheet, civil remedies if any cannot be denied to the petitioners, if not barred by limitation.

Hence, this petition is closed with a direction to the trial Court to complete the trial expeditiously in C.C.No.2765 of 2012.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gya

To

1.Metropolitan Magistrate for CCB/CBCID Cases,
Allikulam,
Egmore, Chennai.

2. The XI Metropolitan Magistrate,
Saidapet, Chennai - 15.

3.The Inspector of Police,
Central Crime Branch/XVIII,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.D.Nalliappan, Advocate, S.R.No.74184

CRL.OP.No.8233 of 2018

PP(CO)
GN(26/11/2018)