

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.02.2018
CORAM
THE HONOURABLE MR. JUSTICE M.S. RAMESH
CRL.O.P.No.1623 of 2018

G.Venkatesan

..Petitioner

Vs

State rep by

1. The Inspector of Police,
R9, Valasarwakkam Police Station,
Bharathi Salai, Ramapuram,
Chennai - 600 089.

2. Mr.N.Kumaran-Managing Director,
M/s.Race Pharmaceuticals Pvt. Ltd.
Race Tower, Plot 86 A, 6th Street,
Chowdry Nagar, Valasarwakkam,
Chennai - 600 087.

3. Mrs.K.Menaka - Director,
M/s.Race Pharmaceuticals Pvt. Ltd.
Race Tower, Plot 86 A, 6th Street,
Chowdry Nagar, Valasarwakkam,
Chennai - 600 087.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent to register his complaint and to initiate necessary action against the second and third respondents under due process of law.

For Petitioner : M/s.B.Jayanthi

For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)

O R D E R

The prayer sought for in the present petition is to direct the first respondent to register his complaint and to initiate necessary action against the second and third respondent.

2. Today, when the matter is taken up for consideration, the learned Government Advocate(Crl. Side), on instructions, submitted that the petitioner's complaint came to be closed on 30.12.2017 as a mistake of fact.

3. The learned counsel for the petitioner submitted that the petitioner's complaint disclosed the commission of cognizable offences and there was no justification for the respondent for having closed the complaint as a mistake of fact and the

grievance of the complainant seems to be that the respondents 2 and 3 herein had illegally seized the petitioner's two wheeler and also attempted to kidnap him.

4. Apart from that, the petitioner's grievances is that, he has not signed in the blank papers. These averments, may prima facie, constitute cognizable offence. However, in view of the stand taken by the prosecution that such offences had not been made out in the enquiry, the complaint came to be closed as mistake of fact. This Court, exercising its powers under Section 482 Cr.P.C, may not be justified in reassessing the investigation report.

4. Nevertheless, it is always open to the petitioner herein to challenge the closure report by way of appropriate protest petition. With the above observations the Criminal Original Petition stands closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
R9, Valasarwakkam Police Station,
Bharathi Salai, Ramapuram,
Chennai - 600 089.

2. The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr.R.V.Balasubramanian Advocate sr 10771

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