

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.OP.No.2784 of 2018

S.Tamilselvan

... Petitioner

Vs.

1.The State

Represented by its
The Deputy Superintendent of Police,
District Crime Branch,
Kanchipuram District - 603 209.

2.The State

Represented by its
The Inspector of Police,
District Crime Branch,
Kanchipuram District - 603 209.

3.The Central Bank of India,

Represented by its Branch Manager,
M.M.D.A. Office Building,
Maraimalai Nagar,
Kattankulathur Post,
Kanchipuram District - 603 209.

4.A.Prem Anand

Proprietor of M/s.Annai Hardwares,
HIG 15/1, Vallal MGR Salai, N41,
Maraimalai Nagar,
Kanchipuram District - 603 209

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Respondents to conduct further investigation in Crime No.47 of 2011.

For Petitioner

: Mr.P.G.Perumal Pandian

For Respondents

: Mr.M.Mohamed Riyaz for R1 & R2
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct the Respondents to conduct further investigation in Crime No.47 of 2011.

2.Heard, Mr.P.G.Perumal Pandian, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

3.It is seen from the records that the petitioner has sought for further investigation in Crime No.47 of 2011, on the file of the second respondent registered for the offence under Section 420 of IPC as against the accused person.

4.The learned Additional Public Prosecutor submitted that the second respondent had conducted enquiry in the said crime number and completed the investigation and also filed the closure report as 'Further Action Dropped' before the jurisdictional Magistrate, namely, the Judicial Magistrate Court II, Chengalpet in F.A.No.2 of 2018. The learned Additional Public Prosecutor further submitted that the final report filed by the first respondent was taken on file by the Judicial Magistrate Court II, Chengalpet in F.A.No.2 of 2018 and issued notice to the defacto complainant regarding the same. On receipt of the same, the defacto complainant have filed a petition in Crl.M.P.No.250 of 2018 protesting the same and thereafter himself withdrawn by endorsing as 'Not Pressed' in the said Court and the above case was duly closed by the said Court on 12.01.2018.

4.The learned counsel appearing for the petitioner submitted that the petitioner is one of the aggrieved party. He did not know about the charge sheet filed by the second respondent and he did not also receive notice from the learned Magistrate. Since the amount involved is more than Rs.1 crore, he wants to contest the matter.

5.Considering the above facts and circumstances, the petitioner is permitted to file a protest petition in the said proceedings in F.A.No.2 of 2018, on the file of the learned Judicial Magistrate No.II, Chengalpet, within a period of two weeks from the date of receipt of a copy of the order. On receipt of the protest petition, the learned Magistrate,

Chengelpet, is directed to consider the same and pass orders on merits and in accordance with law, within a period of four weeks.

6.With the above observation and directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
District Crime Branch,
Kanchipuram District - 603 209.

2.The Inspector of Police,
District Crime Branch,
Kanchipuram District - 603 209.

3.The Branch Manager,
Central Bank of India,
M.M.D.A. Office Building,
Maraimalai Nagar,
Kattankulathur Post,
Kanchipuram District - 603 209.

4.The Public Prosecutor,
High Court, Chennai - 104.

5 The Judicial Magistrate NO.II,
Chengalpattu.

सत्यमेव जयते

CRL.OP.No.2784 of 2018

SSI (co)

RRI 30/05/2019

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