

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15308 of 2019

Thiru.K.E.Mohan

...Petitioner/Defacto
complainant

Vs.

State Rep by
The Inspector of Police,
Central Crime branch, Team XVI (A)
Vepery, Chennai 600 007

...Respondent/Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent to re-open the case in Crime No.1304 of 2011 on the file of J-11, Kannagi Nagar Police Station, Chennai later transferred to CCB, Chennai in 73/ADI/CCB/RC/2018 on the file of the Inspector of Police, Team XVI (A) Vepery Chennai - 600 007 consequently depute some other team to investigate and file a final report.

For Petitioner : Mr.L.Baskaran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent to reopen the case in Crime No.1304 of 2011.

2. It is seen from records that an FIR was registered in Crime No.1304 of 2011 by the respondent police against the accused persons for an offence under Section 468, 463 r/w 420 IPC. The investigation was concluded and closure report was filed before the learned Judicial Magistrate, Alandur. Before filing of the closure report, the petitioner was also served with the RCS notice. Immediately, the petitioner filed a protest petition before the concerned Court. However, the petition was returned on the ground that the final report has not reached the Court.

3. The learned counsel for the petitioner submitted that the petitioner is not in a position to prosecute the protest petition in view of the fact that the final report itself is not available before the Court and therefore, the protest petition filed by the petitioner has been returned.

4. The learned Additional Public prosecutor on instructions submitted that the closure report is available before the learned Judicial Magistrate, Alandur and an hearing date has also been fixed on 21.06.2019 and therefore, it is always open to the petitioner to prosecute his protest petition before the Court below and work out his remedy in accordance with law.

5. In view of the specific stand taken by the respondent police and recording the submission of the learned Additional Public Prosecutor, the petitioner is directed to represent the protest petition before the learned Judicial Magistrate, Alandur and the learned Magistrate shall entertain the said petition on 21.06.2019 and proceed further in accordance with law. Taking into consideration the age of the petitioner/defacto complainant, he shall be represented by a counsel and he shall be present before the Court, as and when required by the Court below.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Joint Registrar(J)

//True Copy//

Sub Assistant Registrar

rka/msrm

To

1. State Rep by
The Inspector of Police,
Central Crime branch, Team XVI (A)
Vepery, Chennai 600 007.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.L.Baskaran, Advocate, S.R.No.48508

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GJII(CO)
CS/18/06/2019