

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16247 of 2019

A.Chandrasekaran

... Petitioner/Defacto Complainant

Vs.

State rep. by its
The Inspector of Police,
Organized Crime Unite,
Crime Branch CID,
Coimbatore City,
Camp @ Salem City.

... Respondent/Investigating Officer

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the closure report dated 02.03.2019 submitted by the respondent and transfer the investigation pending in Crime No.808 of 2009 to Central Bureau of investigation or any other agency only for the purpose of continuing the investigation in respect of and strictly in terms of the directions issued in Crl.M.P.No.779 of 2017 in Crime No.808 of 2009 by the Judicial Magistrate-IV, Salem within a time lime as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.B.Ravi

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

O R D E R

This petition has been filed challenging the closure report filed by the respondent police and for a consequent direction to transfer the investigation to the CBI.

2. It is seen from the records that, originally the investigation was conducted in Crime No.808 of 2009 and a closure report was filed before the Judicial Magistrate-IV, Salem. The petitioner filed a protest petition before the Court below and the Court below on considering the entire facts and circumstances, by order dated 01.09.2017, rejected the closure

report filed by the respondent and directed further investigation to be conducted.

3. Pursuant the orders passed by the Court below, further investigation was conducted by the respondent police and again a closure report came to be filed in the month of April, 2019. Challenging the same, the present petition has been filed before this Court.

4. Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor on behalf of the respondent police.

5. The learned counsel for the petitioner raised various grounds before this Court and questioned the reasonings given by the respondent police for filing a closure report in this case. The learned counsel further submitted that the petitioner is not in a position to file a protest petition against the present closure report since there is a vacancy in the concerned Magistrate Court.

6. This Court is of the considered view that the proper remedy for the petitioner is to file a protest petition before the Court below since the Court below has already considered the entire facts of the case and ordered further investigation. Therefore, the Court below will be in a better position to appreciate the facts of the case, while considering the present closure report filed by the respondent police.

7. It is brought to the notice of this Court that Judicial Magistrate-I, Salem is now in-charge of the Judicial Magistrate-IV, Salem.

8. This Criminal Original Petition is disposed of by giving liberty to the petitioner to move a protest petition before the Court below. The in-charge Magistrate shall take the protest petition on file and deal with the same in accordance with law and pass a final order within a period of six weeks from the date of filing of the protest petition.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

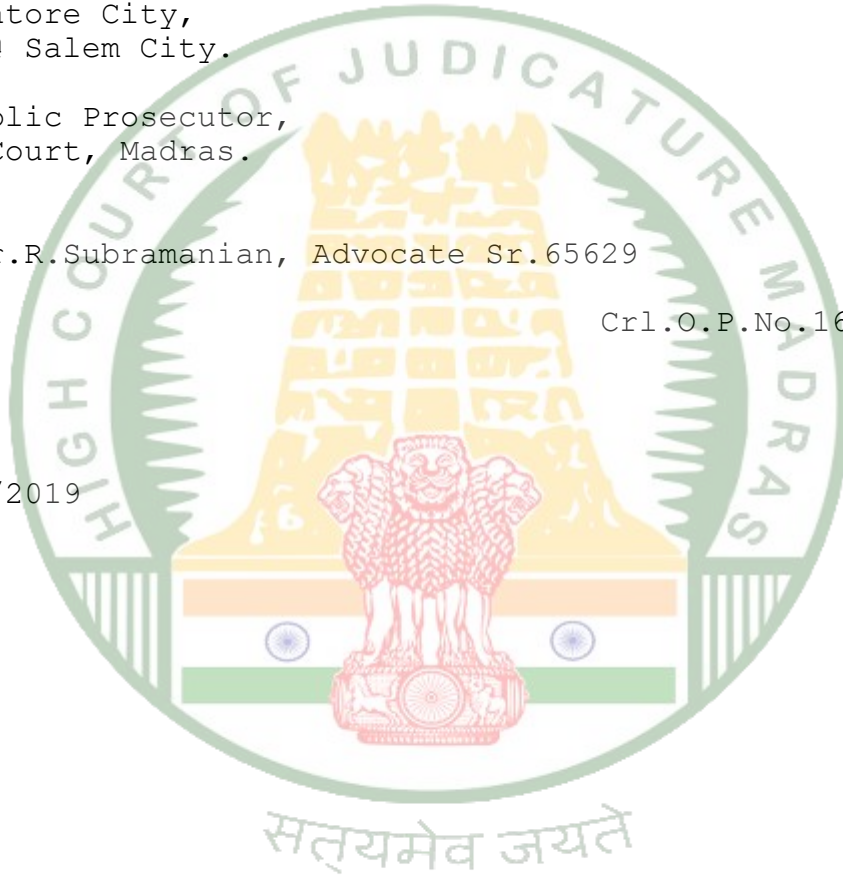
ssr
To

1. The Judicial Magistrate-IV, Salem.
- 2.-Do- Thro The Chief Judicial magistrate,
Salem.
3. The Inspector of Police,
Organized Crime Unite,
Crime Branch CID,
Coimbatore City,
Camp @ Salem City.
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Subramanian, Advocate Sr.65629

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srg 17/09/2019



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