

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2845 of 2017

and

Crl.M.P.No.2008 of 2017

M.Murugesan

... Petitioner

Vs

1.The District Superintendent of Police,
District Police Office,
Krishnagiri.

2.The Sub Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
Crime No.340 of 2016

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent police to conduct further investigation in Crime No.340 of 2016 on the file of Kaveripattinam Police Station and file further final report before the Judicial Magistrate No.1, Krishnagiri as per Section 173(8) of Criminal Procedure Code.

For Petitioner: Mr.R.Marudhachalamurthy

For Respondents: Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to direct the 2nd respondent in police to conduct further investigation in Crime No.340 of 2016 on the file of Kaveripattinam Police Station and file further final report before the Judicial Magistrate No.1, Krishnagiri as per Section 173(8) of Criminal Procedure Code.

2.Heard the learned Counsel for the petitioner and learned Government Advocate (Crl. Side) for the respondents.

3.The learned Government Advocate (Crl. Side) would submit that the investigation in Crime No.340 of 2016 pending on the file of the second respondent police has been enquired and the same was closed on 12.08.2016 as 'Mistake of Fact' and the final

report has also been filed before the learned Judicial Magistrate No.I, Krishnagiri.

4. Therefore, the further investigation cannot be ordered in Crime No.340 of 2016. However, the petitioner is at liberty to file a protest petition and the final report by the second respondent within the period of two weeks from the date of receipt of a copy of this order. On receipt of the protest petition the learned Judicial Magistrate No.I, Krishnagiri is directed to conduct enquiry and pass orders on merits in accordance with law.

5. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna

To

1. The Judicial Magistrate No.1,
Krishnagiri.
2. The District Superintendent of Police,
District Police Office,
Krishnagiri.
3. The Sub Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.39647

Crl.O.P.No.2845 of 2017
and
Crl.M.P.No.2008 of 2017

SPD(CO)

RRS (29/05/2019)