



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P. (MD) No.22779 of 2018

A.Ponraj

: Petitioner

-Vs-

1. The Superintendant of Police,
Thoothukudi District, Thoothukudi.

2. The Inspector of Police,
Pudukottai Police Station, Pudukottai,
Thoothukudi District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondents to initiate expeditious steps towards opening of Look Out Circular against the sole accused Manikandan involved in a case registered as FIR in Crime No.424 of 2017, pending on the file of the second respondent Police within a time frame stipulated by this Court.

For Petitioner

: Mr.N.Pragalathan

For Respondents

: Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This petition is filed to direct the respondents to initiate expeditious steps towards opening of Look Out Circular against the sole accused Manikandan in Crime No.424 of 2017, on the file of the second respondent Police.

2.The petitioner submitted that he has been cheated by certain Manikandan to the tune of Rs.53,00,000/- and it has arisen over a transaction dealing with supply of some machinery.

3.The learned Additional Public Prosecutor submitted that the case itself was closed as "Mistake of fact".

4. Primarily, the petitioner did not produce any materials to take the case forward. It is curious to note that the Investigating Agency which ought to collect necessary materials from the



complainant either directly or on summons should hurry to lay a final report after the present petition seeking transfer of investigation was filed by him. Now inasmuch as the prosecution says a final report has been laid, there is no need for issuing any look out notice.

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5.The learned counsel appearing for the petitioner submitted that no notice of the impending final report of closing the case as "mistake of fact" is provided by the petitioner yet.

6.The learned Magistrate is now directed to apply his mind to the final report and consider if it is necessary for him to order further investigation under Section 173(8) Cr.P.C. In any eventuality the right of the petitioner to work out his remedies challenging the final report laid in the manner known to law is available to the petitioner.

7.In view of the above, the Criminal Original Petition stands disposed of accordingly.

sd/
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendant of Police,
Thoothukudi District, Thoothukudi.
2. The Inspector of Police,
Pudukottai Police Station, Pudukottai,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.PRAGALATHAN, Advocate (SR-55132[F] dated 19/03/2019)

TSG
AE/22.04.2019/2P/5C

Order made in
CRL.O.P. (MD) No.22779 of 2018
Dated: 19.03.2019