

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Cr1.O.P.No.5983 of 2018

S. Rajendran, (M/57),
S/o. Late R. Subbarayan,
Singapore Photo Studio,
No.96, Main Road,
Namakkal Town,
Namakkal Taluk and District.

...Petitioner

Vs

1. The State Represented by,
The Superintendent of Police,
Namakkal,
Namakkal District.

2. The Inspector of Police,
Law and Order,
Namakkal Town Police Station,
Namakkal District.

....Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to pass an order of direction, directing the respondents to conduct further investigation in Crime No.1086 of 2013 on the file of Namakkal Town Police Station.

For Petitioner : Mr. C. Venkatesan
For Respondents : Mr. S. Karthikeyan,
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking for direction, directing the 2nd respondent police for further investigation in Crime No.1086 of 2013.

2. The learned counsel for the petitioner would submit that the petitioner who was being a tenant was forcibly vacated from the premises by the accused persons and that they also looted the materials worth about Rs.5,00,000/- from the shop of the

petitioner. Therefore, he lodged a complaint before the 2nd respondent police. Even then, the 2nd respondent police did not take any action as against the accused persons and thereafter, he approached the concerned Magistrate Court for direction to register a case as against the accused persons. Only after the direction issued by the learned Magistrate, the 2nd respondent had registered the case in Crime No.1086 of 2013. Now without even conducting any enquiry, the 2nd respondent simply closed the complaint as false to support the accused persons. Therefore he sought for a direction for further investigation in pursuant to the Crime No.1086 of 2013.

3. The learned Additional Public Prosecutor would submit that on the direction issued by this Court in Crl.O.P.No.29243 of 2013, the Investigation Officer was nominated on 14.11.2013. Thereafter, the 2nd respondent had completed the investigation and confirmed that the entire complaint is a false one and as such it was closed on 19.08.2014. Thereafter, he also served referred charge sheet notice to the petitioner filed before the concerned Court.

4. It is seen on the complaint lodged by the petitioner, the case was registered by the respondent police in Crime No.1086 of 2013 as against the accused persons. Thereafter, the petitioner had approached this Court for transfer of the investigation in Crl.O.P.No.29243 of 2013 and this Court by order dated 14.11.2013 had directed the 2nd respondent to complete the investigation and file a final report. Again the petitioner had approached this Court in Crl.O.P.No.856 of 2016 for transfer of investigation and this Court, by order dated 02.08.2016 had dismissed the petition observing that instead of filing of a protest petition before the concerned Court, the petitioner cannot seek for a direction to re-open the investigation. Again now, the petitioner has filed this petition for further investigation in Crime No.1086 of 2013 and that too, without filing any protest petition before the concerned Court.

5. Considering the above facts and circumstances, this petition sought for direction is dismissed. However, the 2nd respondent is directed to serve the copy of the referred charge sheet notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to file a protest petition before the concerned Court in accordance with law if so advised.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

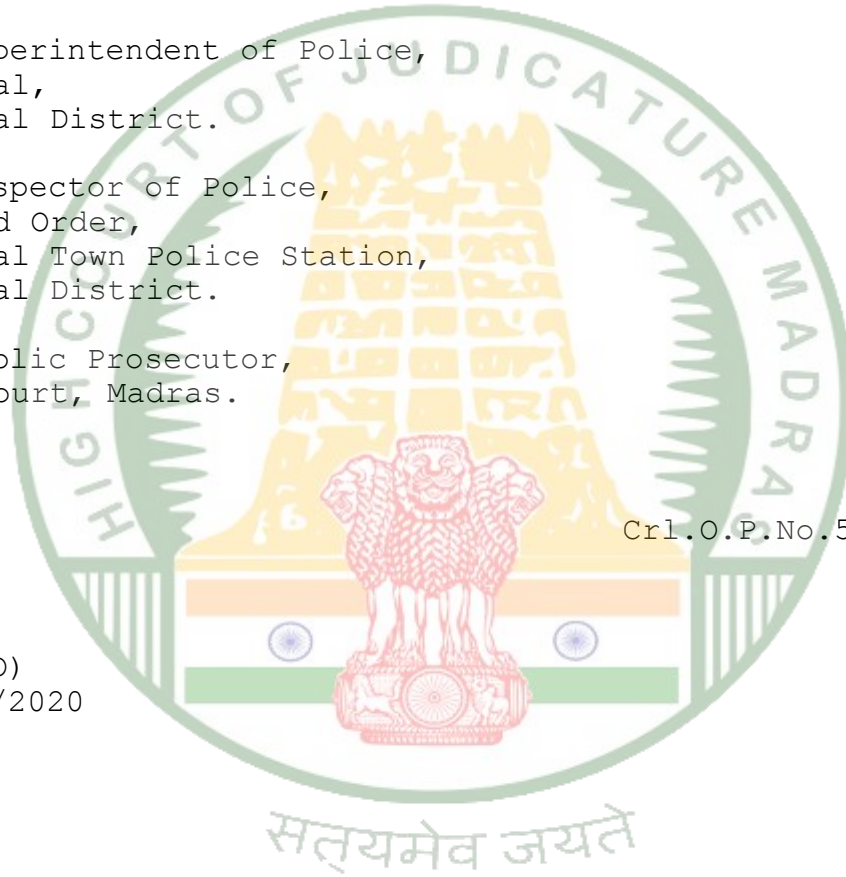
SSI

To

1. The Superintendent of Police,
Namakkal,
Namakkal District.
2. The Inspector of Police,
Law and Order,
Namakkal Town Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5983 of 2018

VSN II (CO)
KKV/03/09/2020



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