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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19761 of 2016
and Crl.M.P.No.9241 of 2016

T.Ramadoss

..Petitioner

Vs.

1. The Deputy Superintendent of Police,
Thiruthuraipundi Police Station,
Thiruthuraipundi,
Thiruvarur District.

2. The Branch Manager,
State Bank of India,
Thiruthuraipundi,
Thiruvarur District.

..Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to call for the records in R.C.S.No.30 of 2016 in Crime No.21 of 2007 on the file of the respondent police and to quash the same.

For Petitioner : Mr.V.Rajesh Babu

For Respondent 1 : Mr.C.E.Pratap
G.A. (Crl.Side)

For Respondent 2 : No appearance

O R D E R

(The case has been heard through video conference)

Against the order passed by the learned Judicial Magistrate, Tiruthuraipoondi, in R.C.S.No.30 of 2016, ordering further investigation in Crime No.21 of 2007, the petitioner/A2 has filed this quash petition.



2. Originally a complaint has been filed by the second respondent herein against five accused on the ground that all the accused prepared bogus patta and chitta for the purpose of obtaining agricultural loan. Based on that, a crime was registered and after investigation, a negative final report has been filed by the Investigating Officer on the ground that none of the documents have been produced before the Investigating Officer to conduct the investigation. The learned Judicial Magistrate after receiving the final report, issued notice to the defacto complainant and after enquiry held that all the required documents are available with the defacto complainant, without verifying the same final report has been filed, also held that complaint cannot be closed merely on the ground that investigation is pending for more than seven years, also held, based on the materials available on record that a prima facie is made out. In the said circumstances, the learned Judicial Magistrate ordered further investigation and directed the Investigating Officer to summon all the witnesses and after investigation file his report. Now, challenging the said order, the petitioner/A2 is before this Court with this petition.

3. Heard the learned counsel on either side.

4. Perusal of the records, it could be seen that negative final report has been filed merely on the ground that the documents are not produced before the Investigating Officer for verification and that apart due to lapse of time, it is difficult to prove the guilt of the accused. However, the learned Judicial Magistrate on application of mind came to the conclusion that prima facie case is made out and the criminal case cannot be closed on that ground. The learned Judicial Magistrate further held that the documents are very much available with the defacto complainant and without verifying the same final report has been filed. Hence, the learned Judicial Magistrate directed for further investigation and directed the Investigating Officer to issue summons to examine the witnesses.

5. Considering these circumstances, I find no illegality in the order passed by the learned Judicial Magistrate ordering further investigation is very much within his power. Hence, I find no merit in this criminal original petition and it is liable to be dismissed and accordingly dismissed. Considering the fact that the matter is pending for a long time, the Investigating Officer is directed to complete the investigation



and file his report within a period of two months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

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s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

1. The Judicial Magistrate,
Tiruthuraipoondi.

2. The Deputy Superintendent of Police,
Thiruthuraipundi Police Station,
Thiruthuraipundi,
Thiruvarur District.

+1 CC to Mr.V. Rajesh Babu, Advocate sr 59282.

CrI.O.P.No.19761 of 2016
and CrI.M.P.No.9241 of 2016

PMK (CO)
SP (01/12/2021)