

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.3156 of 2021

Natesan

... Petitioner

Vs.

1. The Superintendent of Police,
Vellore District,
Vellore.

2. The State rep. by
The Inspector of Police,
Natrampalli Police Station,
Vellore District.
Crime No.495/2013

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate No.III, Thirupathur to take cognizance of the final report made in FR-162/2018 dated 04.07.2018 in respect of Crime No.495 of 2013 by following the procedures contemplated under Section 190(1) (b) of the CRPC.

For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the Court below to take cognizance of the final report filed by the 2nd respondent in FR No.162 of 2018, dated 04.07.2018 in Crime No.495 of 2013.

2.When the matter came up for hearing on 18.02.2021, this Court directed the learned Judicial Magistrate-III, Tirupattur to submit a report explaining as to why the final report which was filed in the year 2018 was not taken cognizance for more than two years.

3.The learned Judicial Magistrate-III, Tirupattur has sent a report to this Court. In the said report, it is stated that the respondent police initially filed a closure report as "Further Action Dropped" and the petitioner filed a protest

petition. Even at that point of time, the original complaint and FIR was missing. The Court below after taking into consideration the facts and circumstances of the case, passed an order in CMP No.2861 of 2016, dated 12.07.2017, directing the Deputy Superintendent of Police to appoint an officer in the rank of Inspector of Police to conduct further investigation and to file a final report within two months. Accordingly, the Inspector of Police, Vaniyambadi was appointed as Investigation Officer.

4.The grievance of the petitioner is that further investigation has been completed and a final report was also filed before the Court below during July 2018 and the same has not been taken cognizance. The report of the learned Judicial Magistrate-III, Tirupattur reads as if the final report is yet to be filed after the further investigation and hence a reminder was also sent to the Superintendent of Police, Tirupattur on 12.01.2021.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

6.In the present case, it seems that the Court below has not taken cognizance of the final report after the further investigation since, the original complaint and the FIR are missing. Originally FIR was registered under Section 174 Cr.P.C and there was an RDO enquiry on the suspicious circumstances behind the death. It is during this period, the original complaint and FIR has been misplaced. Till date, the respondent police is not able to trace the original complaint and the FIR. Ultimately if the original complaint and FIR cannot be traced, that does not mean that the entire case will come to a stand still. The Court below can always record the reasons by ascertaining the facts from the police and proceed further to act on the true copy of the complaint and FIR and take cognizance of the final report.

7.If the Court below has returned the final report to the respondent police, the same shall be represented along with a copy of this order. The Court below shall act upon the same, within a period of four weeks on the final report filed by the respondent police.

8.This criminal original petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate No.III, Thirupathur.
2. The Superintendent of Police,
Vellore District, Vellore.
3. The Inspector of Police,
Natrampalli Police Station,
Vellore District.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

+lcc to Mr.M.Guruprasad, Advocate SR.No.16797

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PL(CO)
GMY(08/04/2021)