



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P No.4906 of 2021

K.E.Mohan
S/o.K.K.Ethirajalu

... Petitioner

Vs.

State by
The Inspector of Police
Central Crime Branch, Team XVI (A)
Vepery, Chennai-7

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to issue direction, directing the respondent to conduct further investigation as per order of the learned Judicial Magistrate, No.I (F.A.C), Alandur in C.M.P.No.4740 of 2019 dated 17.02.2020 in Crime No.1304 of 2011 on the file of J-11, Kannagi Nagar Police Station, Chennai later transferred to CCB, Chennai in 73/ADI/CCB/RC/2018) on the file of the Inspector of Police, Team XVI (A), Vepery, Chennai-7.

For Petitioner : Mr.Mukundan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking to issue a direction, directing the respondent to conduct further investigation as per the order of the learned Judicial Magistrate, No.I (F.A.C), Alandur in C.M.P.No.4740 of 2019 dated 17.02.2020 in Crime No.1304 of 2011 on the file of J-11, Kannagi Nagar Police Station, Chennai later transferred to CCB, Chennai in 73/ADI/CCB/RC/2018) on the file of the Inspector of Police,



Team XVI (A), Vepery, Chennai-7.

2.The petitioner has sought for a direction, seeking to forward the said complaint to the Deputy Commissioner of Police Central Crime Branch, Vepery, Chennai for a fair investigation. This Court on a perusal of the complaint, forwarded the same to the Commissioner of Police, Central Crime Branch based on which the respondent police had registered a case in Crime No.1304 of 2011 for the offence u/s.465, 468 r/w 420 IPC. The respondent police had now filed a closure report stating that the complaint is of Civil in nature, thereby, the petitioner had approached the Court by filing protest petition towards the closure report.

3.Learned counsel for the petitioner would submit that the respondent police without conducting a fair and impartial investigation had filed the closure report. He would state that the petitioner was regularly appearing before the respondent police to know the course of action taken but the respondent had never enquired the petitioner in detail and till the closure report, the respondent had not confronted the said letter purported to have been issued by the petitioner. The reasons given by the respondent are not sound and the respondent had hastily filed the closure report. Therefore, the petitioner preferred an application for protest of the negative final report in C.M.P.No.4740 of 2019 against Crime No.1304 of 2011 and prayed the learned Judicial Magistrate Alandur to order and direct for further investigation under Section 173(8) Cr.P.C. in respect of the complaint preferred by the petitioner registered in Crime No.1304 of 2011, which was allowed on 17.02.2020 and the respondent was directed to conduct further investigation in this matter and file a final report. The respondent police is reluctant in investigating the case, which would amount to dereliction of duty, therefore, the petitioner has no other option, except to approach this Court for a direction to conduct fair and proper investigation by the respondent, which shall be monitored by the authorities as appointed by this Court.

4.Counter filed by D.R.Femila Shirley, Inspector of Police, Central Crime Branch, ALGSC-I, Team XVI-A, Chennai and by M.Sathiyalingam, Inspector of Police Central Crime Branch, Team-XVI-A, Vepery, Chennai-07.

5.In view of the orders passed in C.M.P.No.4740 of 2019 against Crime No.1304 of 2011 by the learned Judicial Magistrate, Alandur on 17.02.2020, this Court is inclined to direct the respondent police to investigate the matter in a fair and impartial manner. The Deputy Commissioner of Police, Central Crime Branch, Vepery, Chennai shall monitor the investigation conducted by the respondent police. Final report to be filed by the respondent police within a period of three



months from the date of receipt of a copy of this Order.

6. With the above direction, this Criminal Original Petition stands disposed of.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To

1. The Inspector of Police
Central Crime Branch, Team XVI (A)
Vepery, Chennai-7

2. The Deputy Commissioner of Police
Central crime Branch,
Vepery, chennai.

3. The Public Prosecutor
High Court of Madras
Chennai 600 104

Cr1.O.P No.4906 of 2021

RSV(CO)
CA(02/08/2021)