



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10036 of 2021

R.S.Madhavan

... Petitioner

Vs.

The Inspector of Police,
K-10, Koyambedu Police Station.
Chennai (Cr.No.650 of 2010)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records and set aside the final report filed by the respondent and direct the respondent to conduct further investigation and to file a final report afresh in C.C.No.388 of 2011 on the file of the V Metropolitan Magistrate, Egmore.

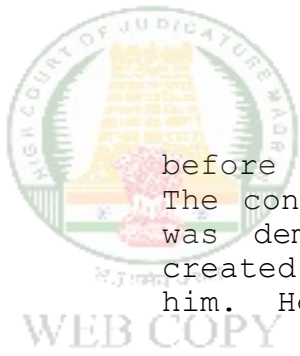
For Petitioner : Mr.P.Pugalenthir

For Respondent : Mr.A.Damodaran,
Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed to call for the records and set aside the final report filed by the respondent and direct the respondent to conduct further investigation and to file a final report afresh in C.C.No.388 of 2011 on the file of the V Metropolitan Magistrate, Egmore.

2. According to the petitioner, he filed a civil suit against one Ganga Bai and the same is pending. Due to the same, she along with her son entered into the house of the petitioner and demolished his house wall with a JCB Machine. Therefore, he lodged a complaint before the respondent and the same was registered in Crime No.650 of 2010 under Sections 147, 448, 506 (i) IPC r/w 3(1) of TNPPD Act. After completing investigation, the respondent had filed charge sheet in C.C.No.388 of 2011



before the V Metropolitan Magistrate Court, Egmore, Chennai. The contention of the petitioner is that, though his house wall was demolished using JCB machine, the respondent police had created false contradictory 161 statements, without enquired him. Hence this petition.

3. The learned Government Advocate (Crl. Side) submitted that the case in C.C.No.388 of 2011 is now pending for trial.

4. It is seen that the case in Crime No.650 of 2010 was investigated by the police and they had filed charge sheet in the year 2010 itself and the case was taken on the file of the V Metropolitan Magistrate, Egmore, Chennai in C.C.No.388 of 2011 under Section 147, 448, 506(i) of IPC r/w 3(1) of TNPPD Act and is pending as against the accused persons. After a period 10 years, the petitioner has come forward with this petition for direction to the respondent to conduct fresh enquiry and file a final report afresh. Further, it is stated that the above said case is now pending for trial. Therefore, this court is not inclined to consider the present petition, since it is filed after a lapse of 10 years.

5. Accordingly, this petition is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10036 of 2021

LN(CO)
LS(19/07/2021)