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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11898 of 2021

K.Socrates

... Petitioner

Versus

1.The Inspector of Police,
CCB, EDF-I, Team-I,
Office of Commissioner of Police,
Vepari,
Chennai.

2.The Inspector of Police,
G3, Kilpauk Police Station,
Chennai-600 010.

... Respondents

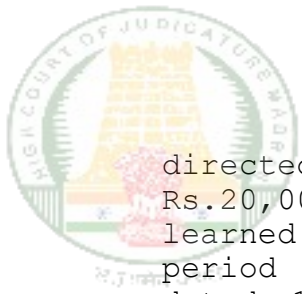
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to return the title of Original Sale Deed Document No.3832, 3835, 3836 of 2010, dated 25.06.2010 stands in the name of D.Nageswarajothi wife of the petitioner herein registered on the file of Chidambaram Sub Registrar which was deposited in Crime No.355 of 2013 on the file of the respondent police.

For Petitioner : Mr.S.Jeyakumar
For Respondents: Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to return the title of Original Sale Deed Document Nos.3832, 3835, 3836 of 2010, dated 25.06.2010 stands in the name of D.Nageswarajothi wife of the petitioner, which were deposited in Crime No.355 of 2013 on the file of the 2nd respondent Police.

2.The learned counsel for the petitioner submitted that the petitioner is the accused in Crime No.355 of 2013 for offence under Sections 403, 406 & 420 IPC on the file of the 2nd respondent Police. Earlier, the petitioner filed Anticipatory Bail in Crl.O.P.No.8694 of 2017 and this Court, by order, dated 13.06.2017 granted Anticipatory Bail to the petitioner and



directed him to deposit title surety to the value of Rs.20,00,000/- to the credit of Crime No.355 of 2013 before the learned II Metropolitan Magistrate, Egmore, Chennai within a period of two weeks. In compliance to the order of this Court dated 13.06.2017, the petitioner had deposited the title of Original Sale Deed Document Nos.3832, 3835, 3836 of 2010, dated 25.06.2010 which stands in the name of D.Nageswarajothi wife of the petitioner. Now, it has come to know that after completion of investigation, the 1st respondent Police closed the case in Crime No.355 of 2013 and filed the closure report dated 21.09.2017 before the learned Metropolitan Magistrate, CCB & CB-CID Court, Chennai and served RCS to the defacto complainant Balu. Hence, nothing survives in Crime No.355 of 2013 and the petitioner seeks to return of title documents submitted while executing the sureties.

3.The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the closure report has been filed before the Metropolitan Magistrate, CCB & CB-CID Court, Chennai. Agrieved over the same, the Protest Petition filed by the defacto complainant on 08.02.2019 and the same is pending. Hence, he objected for the return of documents.

4.Considering the submission and on perusal of the materials, it is seen that Protest Petition is pending and it cannot be conclusively said that the closure report filed in Crime No.355 of 2013 is correct and accepted. In this case, the closure report filed on 21.09.2017 and the Protest Petition filed in the year 2019. Till date Protest Petition is kept pending which is not proper.

5.In view of the same, the learned Metropolitan Magistrate, CCB & CB-CID Court, Chennai is directed to dispose the Protest Petition filed by the defacto complainant in Crime No.355 of 2013 within a period of two months from the date of receipt of a copy of this order.

6.With the above directions, this Criminal Original Petition is disposed of. In the event of accepting the closure report dated 21.09.2017 filed by the 1st respondent Police, the Metropolitan Magistrate, CCB & CB-CID Court, Chennai to handover all the title documents produced by the petitioner wife while executing sureties.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Metropolitan Magistrate,
CCB & CB-CID Court,
Chennai.
- 2.The Inspector of Police,
CCB, EDF-I, Team-I,
Office of Commissioner of Police,
Veperi,
Chennai.
- 3.The Inspector of Police,
G3, Kilpauk Police Station,
Chennai-600 010.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Jeyakumar, Advocate, S.R.No.35867

CRL.O.P.No.11898 of 2021

RSI (CO)
CB(23/08/2021)