



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20415 of 2021

Mr. T.K.Babu

...Petitioner/2nd Respondent

/vs/

1. The State,
rep. by the Inspector of Police,
CBI, ACB,
Chennai.

2. The Branch Manager,
Kancheepuram co-operative Societies,
Porur Branch,
Chennai.

...Respondents/Complainant/
1st Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the order dated 07.04.2021 passed in RC MA1 2019A 0010/CBI/ACB/Chennai on the file of the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai.

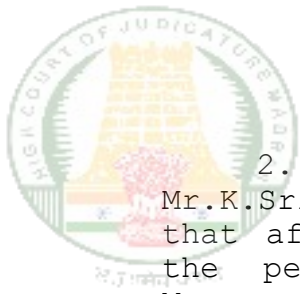
For petitioner ... Mr.Sharath Chandran
for Mr.Prashat Rajagopal

For respondent ... Mr. K.Srinivasan,
Spl. P.P.,
for R1

... Mr.R.Gopinath,
for R2

ORDER

Challenging the order of accepting the final report filed by the first respondent/CBI by closing the complaint as "undetected", the defacto complainant is before this Court with this Criminal Original Petition.



2. Earlier, when the matter taken up for hearing, Mr.K.Srinivasan, learned Special Public Prosecutor, submitted that after filing of the Closure Report, notice was issued to the petitioner/defacto complainant as well as the Branch Manager/2nd respondent. On 09.03.2021, the petitioner/defacto complainant appeared before the Trial Court and submitted that he has no objection for closing the complaint. He has also produced the copy of the same before this Court.

3. Considering the same, on 07.04.2021, the Trial Court closed the complaint. Now it is not open to him to challenge the same before this Court. However, the learned counsel appearing for the petitioner wants to verify the submission. Hence, the matter was adjourned today.

3. Today, learned counsel for the petitioner, on instructions, submitted that admittedly, the petitioner has appeared before the Trial Court and given "No Objection" for closing the complaint. However, the learned counsel for the petitioner submitted that even though the petitioner has given No Objection, it will not prevent the petitioner from challenging the order.

4. The learned Special Public Prosecutor appearing for the first respondent submitted that in respect of other cases with regard to misappropriation, they have completed investigation and filed final report in 3 cases. Out of which, in one case, the learned Judicial Magistrate take cognizance and other matters cognizance yet to be taken.

5. This Court considered the submissions made on either side and perused the materials available on records carefully.

6. From the perusal of the records, it is seen that CBI, after thorough enquiry, found no materials available to proceed with the complaint and hence, the complaint has been closed, which was also accepted by the petitioner, now it is not open to him to challenge the same. Further, the occurrence said to have taken place on 10.09.2011 and the State Police has investigated the complaint for nearly 8 years, and then investigation has been handed over to the CBI in the year 2019. Thereafter, CBI conducted a detailed investigation and the investigation did not reveal any offence and filed the closure report.

7. In the above said circumstances, this Court finds that there is no error in the order passed by the learned Judicial Magistrate and there is no merit in the petition and the same is liable to be dismissed.



8. Accordingly, this Criminal Original Petition is dismissed. The learned Judicial Magistrate is directed to proceed with the criminal case and arrive at a logical end.

WEB COPY

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Additional Chief Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
CBI, ACB,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.61031

Cr1.O.P.No.20415 of 2021

KSM[co]
NSK 10/12/2021