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Crl.RC.No.1380 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1380 of 2022

Vigneshwar

... Petitioner

Vs.

State Represented by its
Inspector of Police
Redhills Police Station
Madhavaram
(Crime No.869 of 2019)

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to call for the records of the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District and set aside the order passed by the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District made in C.M.P.No.647 of 2022 dated 21.03.2022 and direct the respondent for further investigation and file report in view of the protest petition filed in Crime No.869 of 2016 on the file of respondent police.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The Criminal Revision Case has been filed seeking to set aside the order passed by the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District made in C.M.P.No.647 of 2022 dated 21.03.2022 and direct the respondent to conduct further investigation and file report in view of the protest petition filed by the petitioner in Crime No.869 of 2016 on the file of respondent police.

2. The case of the petitioner is that the petitioner had filed a petition before this Court in Crl.O.P.No.8488 of 2017 seeking direction to the respondent police to file final report in respect of Crime No.869 of 2016 within the time limit and this Court by order dated 27.04.2017, directed the respondent police to complete the investigation and file final report as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of copy of the order. Thereafter, the petitioner came to know through online Portal of the Tamil Nadu Police that further action in this case was dropped. Since the petitioner and witnesses were not called for enquiry and the RCS notice was also not served on him, the petitioner filed a



protest petition under Section 200 and 173 (8) of Cr.P.C. before the learned Judicial Magistrate No.II, Ponneri, in C.M.P.No.647 of 2022 whereas, the learned Magistrate simply dismissed the same by Docket Order dated 21.03.2022. Aggrieved over the same, the present revision has been filed before this Court.

3. The learned counsel for the petitioner would submit that without conducting enquiry and without recording the statements of the defacto complainant and the eye witnesses, the respondent police dropped the investigation and the Portal of the Tamil Nadu Police also reflects that the investigation was dropped. Therefore, the petitioner filed the protest petition before Magistrate, whereas the learned Magistrate simply dismissed the same which warrants interference.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is not dropped and it is under progress and now the investigation is likely to be completed within a short span of time and soon after completing the formalities, they would file the charge sheet.



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5. Recording the submission of the learned Additional Public Prosecutor, this Criminal Revision Case is disposed of with a direction to the respondent police to complete the investigation and file the charge sheet on or before 25.11.2022.

20.10.2022

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To

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1. The Judicial Magistrate No.II,
Ponneri, Thiruvallur District
2. Inspector of Police
Redhills Police Station
Madhavaram
3. The Public Prosecutor,
High Court, Madras



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P.VELMURUGAN,J.

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