



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.28406 of 2017

S.Karthikeyan

. . . Petitioner

Versus

The Inspector of Police
CCIW CID, Guindy
Chennai
(Cr. No.1 of 2013)

. . . Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to issue directions, directing the respondent police to reinvestigate the FIR in Cr. No.1 of 2013 on the file of the Inspector of Police, CCIWCID, Guindy, Chennai by taking note of enquiry report filed under Section 81 of the Tamil Nadu Cooperative Societies Act.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.R.Kishore Kumar
Government Advocate

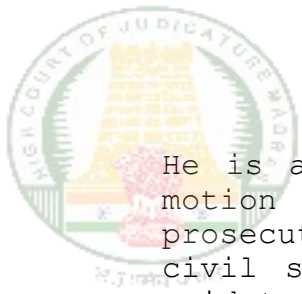
ORDER

This Criminal Original Petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. This is an application filed under Section 482 Cr.P.C. to re-investigate the first information report in Crime No.1 of 2013 on the file of CCIW CID, Guindy, Chennai.

3. The main allegation in the petition for re-investigation is that, the societies fund to the tune of Rs.1100 Crores has been siphoned off with the connivance of the officers in allotting the plots, thereby, the petitioner has sought for re-investigation.

4. It is relevant to note that the petitioner is neither the first informant nor a witness in the proceedings anywhere.



He is a third party. No doubt, the criminal law can be set in motion by any person, the petitioner has already facing prosecution for a defamation case in C.C. No.162/2013 and also a civil suit for damages filed by the affected parties, who are said to be in the helm of affairs of the society and that itself clearly shows the enough motive for bringing out such an application, making an omnibus allegation without even specifying the nature of the alleged offence said to have been committed. The omnibus allegation is to show that there were irregularities in allotment of the plots.

5. It is noticed that the respondent police has conducted investigation and filed a final negative report, as against which, a protest petition has already been filed by the original de-facto complainant. The court also did not accept the protest petition and accepted the negative report. In such view of the matter, the petitioner who is already having motive against others, cannot reopen the matter. If at all the petitioner has sufficient materials in his own, his remedy lies elsewhere to set the law in motion and not by way of a petition for re-investigation.

6. Accordingly, this criminal original petition is dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

Asr

To

1.The Inspector of Police
CCIW CID, Guindy
Chennai
(Cr. No.1 of 2013)

2.The Public Prosecutor,
High Court, Madras

+1cc to Mr.Karan & Uday, Advocate SR.No.7287

Cr1. O.P. No.28406 of 2017

NRL (CO)
GMY (23/03/2022)