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CRL.O.P.No.30159 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.30159 of 2022

Ashok Kumar Jain
Proprietor,
M/s.Mangalkalash Jewellers,
No.152, Mint Street, 1st Floor,
Sowcarpet, Chennai – 600 079.

... Petitioner/De-facto
complainant

Versus

The State represented by
The Inspector of Police,
Team - IV, EDF – II,
Central Crime Branch,
Egmore, Chennai.
(Crime No.216 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent Police to complete the investigation in Crime No.216 of 2021 and file a final report/charge sheet within a stipulated time.

For Petitioner : Mr.J.Ranjith Kumar
for M/s.Surana and Surana

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This petition has been filed seeking a direction to the respondent Police to complete the investigation in Crime No.216 of 2021 and file a final report/charge sheet within a stipulated time.

2. The petitioner/de-facto complainant lodged a complaint with the respondent police. Based on his complaint a case in Crime No.216 of 2021 for offences under Sections 406, 420, 506(i) and 34 of IPC was registered. Though F.I.R. has been registered on 02.12.2021, thereafter no action has been taken. Hence, the petitioner had filed this petition seeking to file a final report in the above case.

3. Learned Additional Public Prosecutor submitted that the above petition has now become infructuous for the reason that on completion of investigation the respondent had filed the negative report by closing the case as 'Mistake of Fact'. RCS notice has been served to the petitioner in RCS No.291/2022. The petitioner has received the same and filed a protest petition before the jurisdictional Court, namely, CCB Court-I, Egmore, Chennai in M.P.No.9942 of 2023 and the same is pending.



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4. In view of the above, nothing survives in this petition and the same is dismissed. It is for the petitioner to agitate before the concerned Magistrate Court for his grievance.

14.06.2023

Index : Yes/No
Internet : Yes/No
rsi

To

1.The Inspector of Police,
Team - IV, EDF – II,
Central Crime Branch,
Egmore, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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