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Crl.O.P.No.8073 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8073 of 2024

Suganthi.

... Petitioner/Defacto complainant

/versus/

State represented by,
Inspector of Police,
Attur Rural Police Station,
Attur.
Crime No.254/2023.
Salem District.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to further investigate the crime No.254 of 2023 and file additional final report before the Judicial Magistrate No.1, Attur, within time stipulated by this Court.

For Petitioner : Mr.D.Gopinathan.

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl Side).



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ORDER

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The Criminal Original Petition is filed to direct the respondent police to further investigate the crime No.254 of 2023 and file additional final report before the Judicial Magistrate No.1, Attur.

2. The petition is to file additional final report on the premise that the police has not properly investigated the complaint.

3. The main contention of the Learned Counsel appearing for the petitioner is that the incident which was captured in the cellphone of the defacto complainant been snatched away by the 11 accused persons, but the police has failed to investigate the said allegation and file appropriate charge against the accused persons.

4. The Learned Government Advocate (Crl.Side) for the respondent is directed to find out whether there was any investigation on the allegation that the cellphone of the complainant alleged to have been used by him to capture the incident been traced or recovered from the accused persons.



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5. Further, the Learned Government Advocate (Crl.Side) for the respondent after getting instruction and perusal of CD file states that the Investigating Officer has wrote to the Nodal Officers of Service Providers to provide the IMEI of the petitioner's cellphone and sought for details and from the reply of the Nodal Officer, it is found that no such cell phone was in use and those service providers indicating that there is no cell phone of the petitioner herein been snatched by the accused person as alleged in the complaint. Therefore, with the evidence collected during the course of investigation, final report has been filed for offences under Section 147, 294(b), 447, 427, 323, 506(2) & 379 of I.P.C.

6. Hence, this Criminal Original Petition is dismissed.

10.04.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm

Copy to:-

1. The Judicial Magistrate No.1, Attur, Salem District.
2. The Inspector of Police, Attur Rural Police Station, Attur. Salem District.
3. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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