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Crl.O.P.No.18982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.18982 of 2024

Murali

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
District Crime Branch,
Tiruvallur District.
Crime No.1 of 2018

2.R.K.Chandrasekar
3.G.Mahendiran

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records filed in C.C.No.55 of 2022 on the file of the learned Judicial Magistrate No.1, Ponneri and set aside the same and consequently transfer the investigation in Crime No.1 of 2018 from the respondent police to any other investigation agent for further investigation and file final report afresh.

For Petitioner : Mr.V.Murugesan

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to set aside the final report filed in Crime No. 1 of 2018 and taken cognizance by the Judicial Magistrate No.1, Ponneri in C.C.No. 55 of 2022 and direct to some other investigating agency for further investigation and file final report.

2. This Court from the records finds that the case in Crime No.1 of 2018 was registered by the District Crime Branch, Thiruvallur on 21.01.2018 on the allegations made by the defacto complainant, Mr.Murali that two private individuals by name R.K.Chandrasekar and Mahendran along with bank Manager, Canara Bank had fraudulently raised loan, by misusing the title document of the petitioner's wife. On completion of investigation, final report was filed for the offence under Sections 420, 506(i), 34, 465, 468, 471 & 120B IPC as against three persons. Later, the 3rd accused/the Bank Manager has preferred a quash petition and the same was allowed by the High Court and confirmed by the Hon'ble Supreme Court. The Hon'ble Supreme Court while confirming the order of the High Court passed in the quash petition filed by the 3rd accused/Raja had made observation that the proceedings against two other accused should continue. The Investigating Officer



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freed to investigate into the role played by the other accused.

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3. Taking advantage of the said observation, the petitioner herein wants further investigation. In the view of the Court, there is misleading and misrepresentation of the order passed by the Hon'ble Supreme Court, more particularly, when the petitioner herein aware of completion of investigation and filing of final report, which has been taken cognizance in the year 2022.

4. Earlier the petitioner has filed application to transfer the trial to some other Court and that was declined. Thereafter, he filed an application under Section 173(8) of Cr.P.C., and the same was also returned by the Judicial Magistrate on 02.07.2024. It is also to be noted that the complaint itself was lodged after 3½ years of the alleged occurrence of the crime. After 4 years, investigation was completed and final report filed and presently two witnesses on the side of prosecution already examined and summons to three more witnesses sent for their appearance and to give evidence on the next hearing date. Therefore, this Court is of the view that this petition is filed with no reason or justification for further investigation. Hence this Criminal Original



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Petition is dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Judicial Magistrate No.1, Ponneri

2.The Inspector of Police,
District Crime Branch,
Tiruvallur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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