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Cr.I.M.P.(F)No.12886 and 12888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2025

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THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

CrI.M.P.(F)Nos.12886 and 12888 of 2024

in

CrI.O.P.No.25917 of 2023

CrI.M.P.(F)No.12886 of 2024

C.S.Padam Chand, M/48
S/o Late S.Chain Raaj Jain,
Old No.34, Co-operative Street,
Alwarpet, Chennai 600 018.

..Petitioner/Proposed 2nd Respondent

/versus/

1.The State represented by
The Inspector of Police,
CCB-1, Team XXVII-A,
Forgery Investigation Wing,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

..1st Respondent/Complainant

2.K.Shibu, K.Thameens,
S/o Kamaludeen,
Proprietor:Thameen Films,
29B, First Floor, Gandhi Nagar,
Valasarawakkam, Chennai 600 089.

..2nd Respondent

/Defacto Complainant



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Criminal Miscellaneous Petition has been filed under Section 482 of Cr.P.C., pleaded to recall the order dated 01.12.2023 passed in Cr.I.O.P.No.25917 of 2023 in so far as direction directing the 1st respondent police to register the FIR is concerned.

For Petitioner :Mr.C.P.Sivamohan
For Respondents :Mr.R.Kishore Kumar for R1
Mr.N.Manokaran for R2

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Criminal Miscellaneous Petition has been filed under Section 482 of Cr.P.C., pleaded to implead the petitioner herein as the 2nd respondent in CrI.O.P.No.25917 of 2023.

For Petitioner :Mr.C.P.Sivamohan
For Respondents :Mr.R.Kishore Kumar for R1
Mr.N.Manokaran for R2

COMMON ORDER

CrI.O.P.No.25917 of 2023 is a petition filed under Section 482 of the Code of Criminal Procedure by the aggrieved complainant seeking to set aside the order passed by CCB, Team-V, closing the complaint without proper investigation. This Court, on perusal of the records, found that the Enquiry Officer had abruptly closed the complaint, without conducting any proper investigation. Therefore, this Court directed him to recall the closure report and conduct a further enquiry by securing the disputed documents from the accused. To get opinion from the expert and to arrive at a conclusion, to proceed further on the complaint.

2.However, the first respondent police inspite of the above order dated 01.12.2023, had not proceeded with the investigation and were



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sleeping over the matter except registering First Information Report in Crime No.27 of 2024 dated 14.02.2024. The accused has filed a petition to quash the First Information Report in CrI.O.P.No.4400 of 2024 and the same was closed by this Court on 26.02.2024 stating that the First Information Report has been registered pursuant to the Court directions. Therefore, there is no purpose challenging the First Information Report. Meanwhile, the complainant had approached this Court for transfer of investigation to CBI, since the respondent has not conducted a fair and impartial investigation. In the said petition in CrI.O.P.No.25438 of 2024, this Court has transferred the investigation to CBCID, Chennai, for proper investigation.

3. In the said circumstances, the accused has taken out the present petition to recall the order dated 01.12.2023 passed in CrI.O.P.No.25917 of 2023.

4. The Registry has raised a query regarding the maintainability of the prayer and posted the matter for hearing under the caption “for Maintainability”.



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5. The learned counsel appearing for the petitioner submitted that this Court in CrI.O.P.No.25917 of 2023 had directed the recall the closure report and to conduct further investigation. He claims that he was not arrayed as a party and therefore, was not aware of the order. He further submitted that when he approached this Court to quash the First Information Report registered, the learned Single Judge had observed that the FIR was registered pursuant to the directions passed by this Court in CrI.O.P.No.25917 of 2023 and if so advised, it will be left open to the petitioner to file a petition in CrI.O.P.No.25917 of 2023 to recall the order passed on 01.12.2023.

6. I am unable to understand under what provision of law, the order passed earlier can be recalled, when much water flown and the inaction of the 1st respondent, even after the direction by this Court not acted upon. This inaction has prompted the complainant to approach this Court for change of investigation and the same is allowed. Thus, at present the complaint is under investigation by CBCID, Chennai and no more with CCB-I. The first respondent apparently sailing with the petitioner herein, who is the accused. They had not proceeded with the investigation, which has prompted the



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complainant to seek direction from this Court for change of investigation.

The Hon'ble Mr.Jutice G.K.Ilanthiraiyan, had considered the petition and ordered change of investigation to CBCID, Chennai.

7. The learned Government Advocate(Crl.Side) submitted that pursuant to the order passed by this Court on 06.02.2025, in CrI.O.P.No.25438 of 2024, the CBCID has taken up the investigation. However, they have not proceeded any further in view of the anticipatory bail obtained by the accused citing his health reason.

8. This Court finds that inspite of the direction to investigate the matter in the manner known to law, even after one year and ten months, the first respondent had not secured the disputed documents from the accused for examination. This has prompted to file this review petition with an ulterior intention to stale the investigation.

24.10.2025

Index:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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To

1.The State represented by The Inspector of Police,
CCB-1, Team XXVII-A, Forgery Investigation Wing,
No.132, Commissioner Office Building, EVK Sampath Road, Vepery,
Chennai 600 007.

2.The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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