



CRL OP(MD). No.7706 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.7706 of 2022

V. Kannan

... Petitioner

Vs

1. The Commissioner of Police
Office of the Commissioner of Police
Madurai – 625 002.

2. The Inspector of Police
CBCID Police,
Madurai

3. The Inspector of Police
K.Pudur Police Station,
Madurai City,
(In Crime No.709 of 2017)

... Respondents

(2nd respondent amended as per the order of
this court in CrI.M.P.(MD) No.5727/2022
vide order dated 05.02.2024)

PRAYER :- Criminal Original Petition is filed under Section 482 of
Cr.P.C., to pleased to direct the 1st Respondent to order change of
Investigation in the matter relating to the Crime No.709 of 2017 on the
file of the 3rd Respondent and entrust the same to Respondent No.2 for



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investigation of the case and file a charge sheet before the appropriate Jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : M/s. D. Senthil
For Respondents : M/s. B. Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the 1st respondent to order change of investigation in the matter relating to the Crime No.709 of 2017 on the file of the 3rd respondent and entrust the same to respondent No.2 for investigation of the case and file a charge sheet before the appropriate Jurisdictional Magistrate within the time stipulated by this Court.

2.The case of the petitioner is that when the petitioner's family was not in the house, it is alleged that their house was break opened and the articles worth about Rs.1,50,000/- were found missing and hence, a complaint has been given. Since there is no action on the same by the respondent police, the petitioner is before this court.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

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4.The learned Additional Public Prosecutor would submit that pursuant to the complaint given by the petitioner, investigation was conducted and the respondent police, on completion of investigation, filed a report as 'undetected'.

5.The learned counsel for the petitioner, however, would submit that the filing of a report as 'undetected' is not permissible in law and therefore, seeks for a direction.

6. It is seen that on the complaint of the petitioner, the respondent police conducted investigation by examining the witnesses and subsequently filed a report as 'undetected'. If at all the petitioner is aggrieved by the report of the respondent police, he can very well challenge the said report in the manner known to law. With this liberty, this criminal original petition is dismissed.

05.02.2024

RR



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M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.7706 of 2022**

Date : 05.02.2024