



Crl.O.P.(MD)No.12064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12064 of 2024

D.S.Senthilvel

... Petitioner

versus

State Rep. by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent to complete the investigation and file a final report in Crime No.578 of 2023 on the file of the respondent pending investigation within a time frame fixed by this Court.

For Petitioner : Mr.N.Shanmuga Selvam
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is the defacto complainant in Crime No.578 of 2023. He has approached this Court seeking a direction to conclude



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the investigation in Crime No.578 of 2023 and file a final report within a stipulated period.

2. The learned counsel appearing for the petitioner submits that though the case was registered in the month of December 2023, there is no progress in the investigation and the respondent Police has not summoned the petitioner and examined him as a witness in the said case.

3. The learned Government Advocate (Crl. Side) submits that this case is arising out of a civil dispute and a civil suit is pending between the parties. Therefore, the respondent Police, in order to ascertain the nature of offence committed in this case, sought for certain documents from the petitioner/defacto complainant. However, the petitioner/defacto complainant has not appeared before the respondent Police and has not produced the required documents. Therefore, the respondent Police could not conclude the investigation in Crime No.578 of 2023.



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4. This Court considered the rival submissions made and also perused the materials placed on record.

5. This case was registered on 02.12.2023. It appears that the respondent Police has not recorded any statement from the petitioner/defacto complainant under Section 161(3) Cr.P.C. for the past eight months. The respondent Police claims that though they sought for certain documents, the petitioner/defacto complainant has not furnished the required documents and therefore, they could not proceed further on the investigation.

6. Therefore, this Criminal Original Petition is disposed of with a direction to the petitioner/defacto complainant to appear before the respondent Police on 05.08.2024 (i.e.Monday) along with the required documents. The petitioner/defacto complainant shall also furnish the details about the witnesses which are relied on by him. On receiving the same, the respondent Police shall examine



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those witnesses and find out the nature of the offence in Crime No. 578 of 2023 and take a call, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

30.07.2024

Index : Yes / No.

Internet: Yes / No.

NCC : Yes/No.

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To

1. The Inspector of Police,
Subramaniapuram Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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