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CrI.O.P.No. 4313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.4313 of 2025 and
CrI.M.P.Nos.2731 of 2025

Thamiraparani Investments Pvt Ltd
No.24 Desika Road Mylapore Chennai
rep. by its Authorised Signatory Mr.Rajendra Kumar. ... Petitioner

Vs.

1.The Inspector of Police,
E-1 Mylapore Police Station,
Mylapore Chennai.

2.S.Kavitha ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 27.01.2025 of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai passed in CrI.M.P.No.7035 of 2023 in C.C.No.3822 of 2012 and consequently direct further investigation and pass any further order /directions as this Court may deem necessary or expedient in this regard.



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For Petitioner : M/s.M.K.Kanimozhi

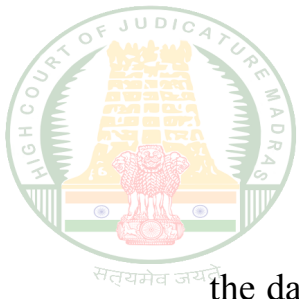
For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)

For R2 : Mr.D.Saikumaran

ORDER

This Criminal Original Petition has been filed challenging the order dated 27.01.2025, passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in CrI.M.P.No.7035 of 2023 in C.C.No.3822 of 2012, wherein the petition filed by the petitioner for further investigation has been dismissed.

2. The petitioner is the complainant in the case. On his complaint, the first respondent registered a case in Crime No.1405 of 2008 for the offences under Section 448, 380, and 506(1) of the Indian Penal Code, read with Section 34 of the Indian Penal Code. After the completion of the investigation, the first respondent filed the final report before the XVIII Metropolitan Magistrate, Saidapet, Chennai and the same was taken cognizance in C.C.No.3822 of 2012. After a lapse of 11 years from



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the date of cognizance, the petitioner filed a petition in CrI.M.P.No.7035 of 2023, seeking further investigation. However, the petition was dismissed. Aggrieved by the dismissal, the petitioner has approached this Court.

3. The learned counsel for the petitioner submits that the petitioner had filed an application under Section 306 of the Code of Criminal Procedure (Cr.P.C.) before the Trial Court to conduct trial, which was dismissed. The petitioner then preferred a revision before this Court, which was allowed. Subsequently, the petitioner discovered that vital persons had not been examined by the first respondent and that the final report had been filed without conducting recovery.

4. Heard both sides and perused the materials placed on record.

5. The occurrence, as per the petitioner's complaint, took place in the year 2002. However, the FIR was registered only in 2008. On completion of the investigation, the first respondent filed the final report



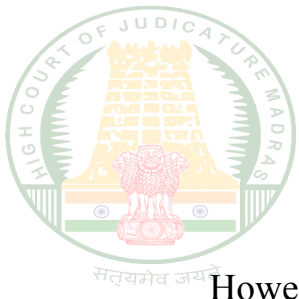
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and the Trial Court took cognizance of the case. After a period of 11 years from the date of cognizance, the petitioner filed the petition in CrI.M.P.No.7035 of 2023 in C.C.No.3822 of 2012 seeking further investigation. On perusal of the petition filed by the petitioner, it is found that the petitioner has not identified any specific persons who ought to be further examined in the investigation. Moreover, after a period of 23 years from the occurrence, there seems to be no possibility of conducting further investigation.

6. Moreover, the complaint alleges that the petitioner's flat was ransacked and his belongings were taken. Therefore, after the passage of time i.e., 23 years from the date of the alleged occurrence, further investigation at this stage appears to be impractical. Therefore, this Court does not find any infirmity or illegality in the order passed by the Trial Court and the Trial Court had rightly dismissed the petition for further investigation.

7. Accordingly, this Criminal Original Petition stands dismissed.



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However, the petitioner is at liberty to approach the Trial Court with all relevant documents to substantiate his case, if any. Consequently, the connected miscellaneous petition is closed.

12.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

1. XVIII Metropolitan Magistrate, Saidapet, Chennai
2. The Inspector of Police,
E-1 Mylapore Police Station,
Mylapore Chennai.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has brought to the notice of this Court that an omission of a sentence has crept into Paragraph No. 7 of the order dated 12.03.2025 passed in CrI.O.P.No.4313 of 2025.

3. Accepting the submissions of the learned counsel for the petitioner, Paragraph No.7 of the order dated 12.03.2025 passed in CrI.O.P.No.4313 of 2025 shall be read as follows :

“7.Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to approach the Trial Court with all relevant documents to substantiate his case, if any, and to invoke the provisions under Sections 216 and 319 of Cr.P.C. Consequently, the connected miscellaneous petition is closed”.

G.K.ILANTHIRAIYAN, J.

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4. The Registry is directed to carry out the necessary correction in the order dated 12.03.2025 passed in Crl.O.P.No.4313 of 2025 and issue a fresh order copy.

10.07.2025

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