

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.07.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.16960 of 2015
and MP.Nos.1 & 2 of 2015

Ravichandran

.. Petitioner

Vs

The Inspector of Police,
Modakuruchi Police Station,
Erode District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records relating to the complaint in
C.C.No.79 of 2014 on the file of the Judicial Magistrate No.III,
Erode and quash the same.

For Petitioner :Mr.M.Selvam

For Respondents :Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to call
for the records in C.C.No.79 of 2014 on the file of the Judicial
Magistrate No.III, Erode and quash the same.

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

3. The petitioner is seeking to quash the prosecution in
C.C.No.79 of 2014, on the ground that the FIR lodged against him in
Crime No.200 of 2014 is still under investigation.

4. On a reading of the final report in C.C.No.79 of 2014, it is
seen that on a complaint given by one P.V.Saravanan, the respondent
Police registered a case in Crime No.49 of 2014 for the offences
under Sections 294(b), 341 & 506(ii) IPC against this petitioner.
The allegation in the final report is that when workers were cleaning
the drainage in front of the house of the petitioner, he seems to
have abused the defacto-complainant in public and also wrongfully
restrained the workers. The reading of the final report shows that
there are sufficient materials available as against the petitioner
and therefore the prosecution cannot be quashed.

5. As regards the contention of the learned counsel for the petitioner, the investigation in Crime No.200 of 2014 is pending. He relied upon the two judgments of Madras High Court, viz., (i) Dandapani and others Vs. State by Sub-Inspector of Police, Thiruvannamalai Town in [(2001) M.L.J (Crl.) 1083 and (ii) Kamala Anbarasu Vs.The State, rep by the Inspector of Poilice, V-2, Virugambakkam Police Station, Chennai [2003 (4) CTC 280].

6. According to the petitioner, he was admitted in the hospital on 21.03.2014 in respect of the same incident. But, it is seen that the FIR in respect of the complaint given by this petitioner was registered only on 13.11.2014 as Crime No.200 of 2014 for the offences under Section 147, 323, 324, 506 (ii) IPC.

7. Under such circumstances, this Court is of the view that the judgments referred by the learned counsel for the petitioner, relates to Madras Police Standing Order, Rule 588-A, which deals with case and counter. The respondent Police is directed to complete the investigation in Crime No.200 of 2014 expeditiously and file a final report before the concerned jurisdictional Magistrate.

8. With the above direction, this Criminal Original Petition is dismissed.

ds

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Modakuruchi Police Station,
Erode District.

2. The Judicial Magistrate III,
Erode.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Selvam, Advocate SR 34777

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