

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.2453 of 2015

G.Srikanth

... Petitioner

..vs..

1. State by Inspector of Police,
B4, High Court Police Station,
Chennai.
2. B.P.Rajitha
Deputy Registrar (Admn.)
Madras High Court,
Chennai 600 104. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in Crime No.37 of 2014 on the file of the 1st respondent and quash the FIR in the above case.

For Petitioner : Mr.M.Balaji
For 1st Respondent : Mr.M.Mohamed Riyaz
Public Prosecutor for R1
For 2nd Respondent : Mr.R.Suresh Kumar

सत्यमेव जयते
O R D E R

The petitioner has come up with the present Criminal Original Petition seeking to call for the records in Crime No.37 of 2014 on the file of the 1st respondent and quash the FIR.

2. According to the petitioner, on 27.09.2014, he accompanied Mr.Traffic Ramasamy to Madras High Court for taking a photo of him by entering the 3rd Gate of this Court. For the said reason, the 1st respondent police registered a case against the petitioner for the offences under Sections 188 I.P.C. r/w 447 I.P.C. and FIR was registered vide No.37/2014 based on the complaint from the 2nd respondent, who is the Deputy Registrar (Administration), Madras High Court. The allegation against the

petitioner is that he has been taking photographs in and around Original Side Section of the High Court in his camera on the instructions of Mr. Traffic Ramasamy and the said act poses threat to the security of the High Court premises. Seeking to quash the FIR in Crime No.37/2014, the petitioner has come up with the present Criminal Original Petition.

3. Heard the learned counsel for the parties.

4. Learned counsel for the petitioner would submit that the police has no authority to file a Charge Sheet for the offence punishable under Section 188 I.P.C. He would further submit that the High Court is not a restricted area and therefore, offence under Section 447 I.P.C. will not attract. It is his contention that though the complaint against the petitioner was made on 30.08.2014, till date investigation is not completed, and hence the limitation for filing charge sheet expires as per Section 468 Cr.P.C.

5. Learned Additional Public Prosecutor would submit that the matter is in the stage of investigation and it is too early to presume that it is hit by limitation under Section 468 Cr.P.C.

6. In view of the above, I find substantial force in the submissions of the learned Additional Public Prosecutor and in my considered opinion, since investigation is pending, it is too early to consider the relief sought by the petitioner at this stage. Hence, I feel it appropriate to direct the 1st respondent to expedite the investigation in Crime No.37 of 2014 within a period of three months from the date of receipt of a copy of this order. However, the petitioner is at liberty to approach this Court after filing of the Final Report.

This Criminal Original Petition is disposed of accordingly. Consequently, connected M.P.No.1 of 2015 is closed.

sd/-

Assistant Registrar(Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

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To :

1. The Inspector of Police,
B4, High Court Police Station,
Chennai.

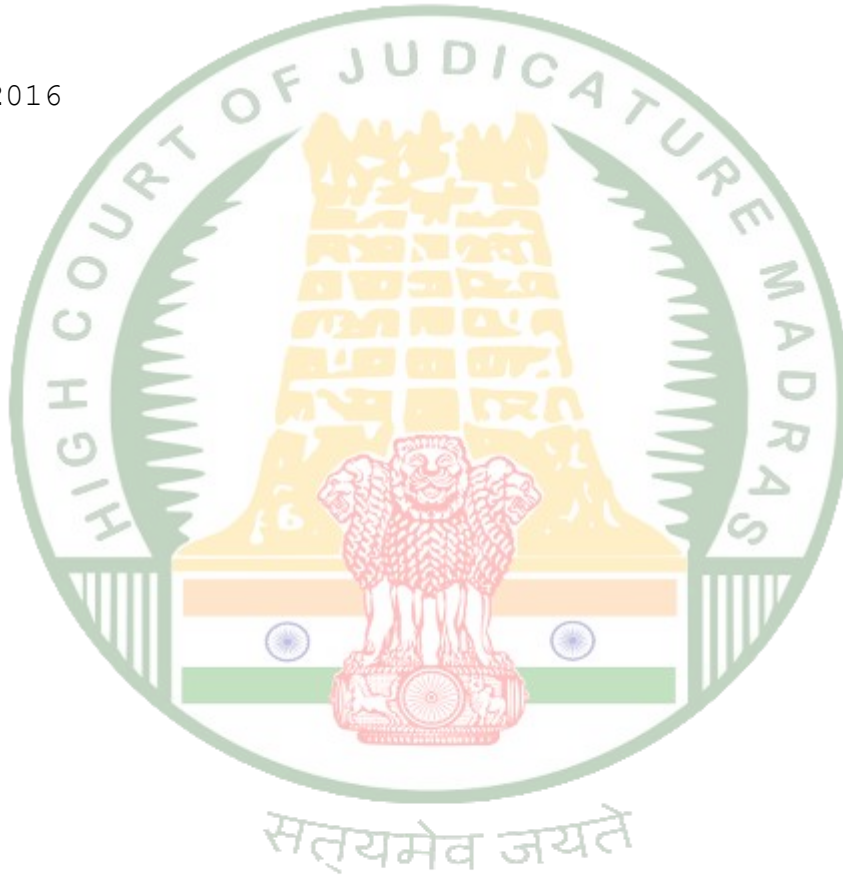
2. The Deputy Registrar (Admn.)
Madras High Court,
Chennai 600 104.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.R.Suresh Kumar Advocate. SR.NO.68925

Crl.O.P.No.2453 of 2015

CO-CTK
JD 11/01/2016



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