

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.27074 of 2015
and
M.P.No.1 of 2015

Senthil Kumar ... Petitioner

Vs.,

- 1.State rep. by Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
- 2.The Inspector of Police,
Crime Branch CID,
Cuddalore.
- 3.Mrs.Unnamalai @ Rajamani Ammal,
W/o.Govindaraj,
No.522, Thakattu Rao Appavoo Lane,
Thanjavur. ... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the First Information Report in Crime No.261 of 2009 presently pending on the file of the 2nd respondent and to quash the same.

For Petitioner : Mr.E.Kotteeswaran
For Respondents : Mr.C.Emalias, APP (For R1)

ORDER

The present criminal original petition has been filed praying to quash the criminal proceedings in Crime No.261 of 2009 pending on the file of the 2nd respondent-Police.

2.When the matter is taken up for hearing, learned Additional Public Prosecutor would submit that earlier for the same relief the petitioner herein has filed Crl.O.P.No.14712 of 2015 before this Court and in the said petition, on 25.06.2015 this Court has passed an order, directing the learned Judicial Magistrate No.II, Chidambaram, to take the final report filed by the 2nd respondent on file, and liberty was granted to the petitioner to approach this Court for quashing the criminal proceedings, after the learned Magistrate takes the final report on file.

3. But, in the meantime, the case has been transferred to the file of the learned Chief Judicial Magistrate, Chidambaram from the file of the learned Judicial Magistrate No.II, Chidambaram and now the same is pending before the learned Chief Judicial Magistrate, Chidambaram. Thus, the learned Additional Public Prosecutor submitted that at this stage, the present petition filed by the petitioner cannot be entertained.

4. From the perusal of the materials on record, I find that this Court has already given liberty to the petitioner to approach this Court, only after taking the final report on file by the learned Judicial Magistrate No.II, Chidambaram. Therefore, at this stage, the prayer sought for by the petitioner cannot be entertained.

5. However, in the light of the earlier order passed by this Court on 25.06.2015 in CrI.O.P.No.14712 of 2015, this Court directs the learned Chief Judicial Magistrate, Chidambaram to take the final report on file, if the same has not been taken on file so far, and assign the number. The petitioner is at liberty to approach this Court for quashing the proceedings, after the final report is taken on file by the learned Chief Judicial Magistrate, Chidambaram.

With the above direction, this criminal original petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssv/smi

To,

1. The Chief Judicial Magistrate, Chidambaram.

2. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

3. The Inspector of Police,
Crime Branch CID, Cuddalore.

4. The Public Prosecutor,
Madras High Court, Madras.

CrI.O.P.No.27074 of 2015
and
M.P.No.1 of 2015

CA(CO)

EU 04, 1, 16