

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Cr1.O.P.No.5826 of 2015

M.Eswaran

...Petitioner/ Accused

vs.

1. State represented by
Inspector of Police
Cyber Crime Cell
Central Crime Branch
Commissioner Office
Chennai

...1st Respondent/
Complainant

2.P.Mahalingam
Administrator - Head Quarters
All India Anna Dravida Munetra Kazhagam
226, Avvai Shanmugam Salai
Chennai - 600 014

...2ndRespondent/
Defacto Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for records and quash the entire proceedings in FIR No.439 of 2013 on the file of the 1st respondent.

For Petitioner : Mr.N.R.R.Arun Natarajan

For Respondents : Mr.S.Shanmuga Velayutham
Public Prosecutor
Assisted by
Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This application is filed to quash the First Information Report in Cr.No.439 of 2013 on the file of the first respondent police.

2. The learned counsel for the petitioner argued at length bringing to my notice various communications his mother got through the Right to Information Act and submitted that no case has been made out against the petitioner.

3. I am not inclined to consider all these aspects for the following reason:

It is admitted that the petitioner has already filed a petition in Crl.O.P.No.168 of 2014 to quash the very same First Information Report in Crime No.439 of 2013 on the file of the first respondent and that petition was withdrawn by the petitioner and dismissed by this Court as withdrawn. Therefore, a second petition filed by the petitioner to quash the very same First Information Report on the ground that the petitioner got additional information by applying through Right Information Act and therefore, the present petition is maintainable cannot be accepted. Further, it is seen from the First Information Report that no accused is named in the First Information Report and the petitioner was remanded by the police by giving reasons for his involvement and it is submitted by the learned Public Prosecutor that the matter is under investigation and they are going to file the final report within a short period.

4. Considering all these aspects, the present petition to quash the First Information Report is not maintainable as already similar petition for the very same relief was dismissed as withdrawn.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gpa

To

1. The Inspector of Police
Cyber Crime Cell
Central Crime Branch
Commissioner Office
Chennai

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2. The Public Prosecutor
High Court, Madras.

1 cc to Public Prosecutor, Sr. 13553

1 cc to Mr.N.R.R. Arun Natarajan, Advocate, Sr. 13336

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