

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.NO.29856 of 2014
and
CrIIMP No.6470 of 2016

Sivakumar ...Petitioner/Accused-2

Vs.

1.The state rep.by
The Inspector of Police,
Thittakudi Police Station,
Cuddalore District. ...Respondent/Complainant

2.Ganesan ...Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records of the F.I.R. in Crime No.233 of 2013 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.Kovi Ramalingam

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor for R1

ORDER

This petition has been filed to quash the proceedings in Crime No.233 of 2013 on the file of the 1st respondent.

2.When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the 1st respondent submitted that the investigation in Crime No.233 of 2013 has been completed and final report has been filed against the petitioner/accused in CC.No.109 of 2014 before the learned District Munsif -cum- Judicial Magistrate, Tittakudi and that the warrant has been issued by the trial Court for appearance of the petitioner.

3.Learned counsel for the petitioner submitted that the petitioner is a practicing Advocate.

4.In NIRANJAN SINGH AND ANOTHER Vs PRABHAKAR RAJARAM KHAROTE AND OTHERS reported in AIR 1980 SC 785, the Hon'ble Supreme Court held that an absconder cannot claim any privilege under law. Under such circumstances, this Court is not inclined to quash the proceedings. However, the petitioner is directed to surrender before the learned District Munsif -cum- Judicial Magistrate, Tittakudi, in CC No.109 of 2014 and furnish a bond under Section 88 CrPC with two sureties, to the satisfaction of the learned Magistrate within a period of two weeks from the date of receipt of a copy of this order. Thereafter, after getting papers under Section 207 CrPC, it is open to the petitioner to work out his remedies in the manner known to law.

With the above direction, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

mps

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Munsif -cum- Judicial Magistrate,
Tittakudi.
 - 2.The Inspector of Police, Thittakudi Police Station,
Cuddalore District.
 - 3.The Public Prosecutor, High Court, Chennai.
- + 1 cc to P.Nagaraju, Advocate Sr 33270

KR/6/7/16

Cr1.OP.NO.29856 of 2014
and
Cr1.MP.No.6470 of 2016

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