

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.19711 of 2016 & C.M.P. No.9229 & 9230 of 2016

Muthuraman

Petitioner

vs.

1 The State represented by
The Inspector of Police
J-5 Shastri Nagar Police Station
Chennai

2 The Inspector of Police
Central Crime Branch, Team - V
Chennai

Respondents

(R2 suo motu impleaded by order dated 02.09.2016)

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in C.C. No.1114 of 2016 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai and quash the same insofar as the petitioners are concerned.

For petitioner
For respondent

Mr. R. Muniyapparaj
Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in C.C. No.1114 of 2016 on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai and quash the same insofar as the petitioners.

2 On the complaint lodged by one Vivekanandan, the Inspector of Police, J-5 Shastri Nagar Police Station, the respondent herein, registered a case in Crime No.1966 of 2015 and after completing the investigation, has filed a final report in C.C. No.1114 of 2016 before the IX Metropolitan Magistrate Court, Saidapet, Chennai, for offences under Section 416, 420 and 506(I) @ Section 419, 420, 465, 468, 471, 474, 120-B and 506 (I) IPC against Chidambaram, Deivanai, Muthuraman, Rajagopalan, Shantha, Ravikumar and Rajaraman, challenging with Muthuraman is

before this Court.

3 Mr. R. Muniyapparaj, learned counsel for the petitioner/accused submitted that in respect of the same allegations, on the complaint lodged by Chidambaram, Central Crime Branch, Chennai, have registered a case in Crime No.447 of 2015 on 31.10.2015 under Section 465, 468, 471, 419 and 420 IPC read with Section 34 IPC against Vivekanandan and Vasuki and that investigation is pending; while so, the respondent police have hurriedly completed the investigation and filed a final report, as aforestated, against the accused.

4 Initially, this Court was of the impression that the Inspector of Police, J-5 Shastri Nagar Police Station, would not have been aware of the case registered in Crime No.447 of 2015 by the Central Crime Branch. But, the learned counsel for the petitioner brought to the notice of this Court, the order dated 22.12.2015 passed by this Court in Crl.O.P. No.27709 of 2015 batch, which relates to the anticipatory bail applications and cancellation of anticipatory bail applications filed by Vivekanandan and Chidambaram against each other, in which, this Court discussed the facts in Crime No.1966 of 2015 on the file of J-5 Shastri Nagar Police Station and the Crime No.447 of 2015 on the file of the Central Crime Branch, threadbare. In fact, the Inspector of Police, J-5, Shastri Nagar Police Station and the Inspector of Police, CCB Team-5, Chennai, were parties in the said litigation and therefore, one cannot plead that he was not aware of the case registered by the other.

5 The crux of the allegation in Crime No.1966 of 2015 on the file of J-5 Shastri Nagar Police Station is that Chidambaram and his group had fabricated a power of attorney document no.1344 of 2001 registered in the office of the Sub-Registrar, South Madras on 19.11.2001, as if it was executed by Vivekanandan in favour of Vasuki when Vivekanandan was said to be in the United States.

6 Likewise, the crux of the allegation in C.C.B. Crime No.447 of 2015, which was registered based on Chidambaram's complaint is that, Vivekanandan was not in India on 19.11.2001, whereas, he and Vasuki had conspired to create a power of attorney and had it registered as Document No.1344 of 2001 in the Sub-Registrar's Office, South Madras.

7 In the teeth of the aforesaid contentions, this Court directed the learned Additional Public Prosecutor to get instructions from the Inspector of Police, Central Crime Branch, as to the fate of the investigation in Crime No.447 of 2015. Today, Mr. R. Gopalaguru, Inspector of Police, CCB, Team-V,

Chennai is present.

8 Having regard to the facts and circumstances of the case, this Court suo motu impleads the Inspector of Police, Central Crime Branch, Team-V, Chennai as the second respondent and the Registry is directed to carry out the necessary amendment in this regard.

9 In view of the aforestated factual matrix, to meet the ends of justice, this Court issues the following directions:

- The trial in C.C. No.1114 of 2016 before the IX Metropolitan Magistrate Court, Saidapet, Chennai is stayed until the Inspector of Police, Central Crime Branch, completes the investigation in Crime No.447 of 2015 and either files a closure report or final report before the IX Metropolitan Magistrate, Saidapet, Chennai.
- The newly impleaded second respondent shall complete the investigation in Crime No.447 of 2015 within six months from the date of receipt of a copy of this order, irrespective of territorial jurisdiction and he shall file final report or closure report, as the case may be, before the IX Metropolitan Magistrate Court, Saidapet, Chennai.
- On such filing of either closure report or final report by the newly impleaded second respondent, the stay granted by this Court in C.C. No.1114 of 2016, as aforestated, shall stand vacated.
- It is open to the IX Metropolitan Magistrate Court, Saidapet, Chennai, to consider both the final reports and proceed in accordance with law.

10 At this juncture, the learned counsel for the petitioner submitted that since the petitioner is a septuagenarian, his presence before the Trial Court may be dispensed with, until then.

11 Acceding to his request, the Trial Court is directed to accept the petitioner's petition filed under Section 317, Cr.P.C. and dispense with his personal appearance, until a report is filed by the newly impleaded second respondent.

This Criminal Original Petition stands ordered in the above terms. Connected Crl.M.Ps. are closed.

02.09.2016

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To

1 The Inspector of Police
J-5 Shastri Nagar Police Station
Chennai

2 The IX Metropolitan Magistrate
Saidapet
Chennai

3 -do- Thro the Chief Metropolitan Magistrate,
Egmore, Chennai - 8

4 The Inspector of Police
Central Crime Branch, Team-V
Chennai

5 The Public Prosecutor
Madras High Court
Chennai 600 104

+5 CC to Mr. R. Muniyapparaj, Advocate, Sr.No.15461

Crl.O.P. No.19711 of 2016

SV (CO)
MD : 19/09/2016

सत्यमेव जयते

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