

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 04..11.2016
CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Criminal Original Petition No.22431 of 2016
and M.P.No.1 of 2016

V.Arulmozhi,
Senior Manager (HR),
Bharatiya Nabhikiya Vidyut Nigam Limited,
A Government of India Enterprise,
Kalpakkam,
Kancheepuram District.

... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by Inspector of Police,
Kalpakkam Police Station,
Kancheepuram District.
- 2.Puwar Dhairyapaisinh Narapatsinh

.... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the entire records relating to the case in C.M.P.No.3201 of 2016 from the file of the learned Judicial Magistrate, Thirukazhukundram, Kanchipuram District and to quash the order dated 06.09.2016 passed in C.M.P.No.3201 of 2016 by the learned Judicial Magistrate, Thirukazhukundram, Kanchipuram District.

For Petitioner : Mr.S.Senthil Nathan
For Respondents : Mr.C.Emalias, APP for R1

ORDER

One Puwar Dhariyapaisinh Narpatsinh filed a private complaint before the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, Kanchipuram District, based on which the learned Magistrate, by order dated 06.09.2016, directed the 1st respondent police under Section 156(3) of Cr.P.C. to register a case. Challenging the order of the learned Magistrate, the accused has come up with the present original petition.

2. Today, when the petition was taken up for hearing, on instructions from Mr.S.Kumaran, Inspector of Police, Kalpakkam Police Station, who is present in court, Mr.C.Emalias, the learned Additional Public Prosecutor, submitted that pursuant to the directions issued by the learned Magistrate, the 1st respondent police have registered a case in Crime No.170 of 2016 for offences under Sections 120(B), 403, 166, 177, 189, 199 and 203 of IPC and after conducting a thorough inquiry the 1st respondent police have closed the case as "mistake of fact" on 06.10.2016. He further submitted that the closure report in this regard has also been filed before the learned Magistrate on 04.10.2016 after sending RCS notice to the de facto complaint by post.

3. On a reading of the complaint given by the de facto complaint, it is obvious that he has made reckless allegations against the officials working in the Department of Atomic Energy [DAE], Kalpakkam. It is also seen that the de facto complaint is an employee of Department of Atomic Energy, Kalpakkam and since he has been denied promotion he is aggrieved by the action of the officials therein and he has launched the private prosecution. Since the police themselves have now closed the FIR, no further order needs to be passed in this petition.

4. In the result, the criminal original petition is dismissed. Consequently connected MP is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

1.The District Munsif cum Judicial Magistrate,
Thirukazhukundram,
Kanchipuram District.

2.The Inspector of Police,
Kalpakkam Police Station,
Kancheepuram District.

3.The Public Prosecutor
High Court Madras

+1 cc to M/s.M.Amarnath Advocate sr 60734

+1 cc to M/s.S.Senthilnathan Advocate sr 63037 dt 20/12/2016

Cr1.O.P.No.22431 of 2016

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