

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16. 11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.24399 of 2016

Ajeet Saxena

..Petitioner/Defacto
Complainant

Vs.

State by
Inspector of Police
Chennai Central Railway
Police Station,
Chennai.

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in CCRP Crime No.361 of 2007 on the file of XVI Metropolitan Magistrate, George Town, Chennai and set aside the order dated 12.04.2014 passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in CCRP Crime No.361 of 2007 and consequently to direct the respondent police to complete the investigation in Crime No.361 of 2007 and file final report within a period of one month.

For Petitioner : Mr.N.R. Elango Sr. Counsel
for Mr.S.M.Murali Dharan

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

This criminal original petition has been filed to call for the records in CCRP Crime No.361 of 2007 on the file of XVI Metropolitan Magistrate, George Town, Chennai and set aside the order dated 12.04.2014 passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in CCRP Crime No.361 of 2007 and consequently direct the respondent police to complete the investigation in Crime No.361 of 2007 and file final report within a period of one month.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint given by the petitioner, the respondent police registered a case in Crime No.361/2007 under Sections 147, 341, 342, 427 and 506(ii) IPC and Section 7(1) Criminal Law Amendment Act against Vijay Anand and four others. Similarly, on the complaint given by one Jayashree, who is an employee of Railways, the respondent police registered a case in Crime No.374/2007 for various offences. It appears that the petitioner is a high ranking officer in Southern Railway and the accused in Crime No.361/2007 appears to have created ruckus on 24.04.2007 and hence the FIR.

4. Both the FIRs were pending and the police did nothing for a period of time. It is seen that both Crime No.361/2007 and Crime No.374/2007 were closed in the National Mega Lok Adalat on 12.04.2014. Aggrieved by the same, Jayashree filed Crl.OP.No.6755 of 2016 to set aside the closure of the FIR contending that the Lok Adalat does not have any power to close the police investigation. This Court passed the following order in Crl.OP.No.6755 of 2016 on 11.04.2016 as follows:

"Today (11.04.2016), the Member Secretary, Tamil Nadu Legal Services Authority, High Court, Chennai is present before this Court and has fairly conceded that FIR has been registered not only for the offences punishable under Sections 342, 297, 506(ii) of IPC but also under Sections 3 r/w 25 of Indian Arms Act. It is pertinent to note that the maximum punishment for offence under Section 506(ii) IPC is upto seven years and for Section 3 r/w Section 25 of Indian Arms Act, maximum punishment shall not be less than three years upto seven years. So, there is no limitation under Section 468 Cr.P.C and the settlement arrived at in the Mega Lok Adalat held on 12.04.2014 is unsustainbale.

Considering the above, even though the proceedings in Crime No.374 of 2007 was closed by invoking Section 482 Cr.P.C in the Mega Lok Adalat held on 12.04.2014, the aforesaid order passed on 12.04.2014 is hereby set aside. The respondent police is directed to file a final report within a period of one month from the date of receipt of a copy of this order."

5. Now, the petitioner is before this Court seeking a similar relief by contending that the FIR in Crime No.361/2007 ought not to have been closed in the National Mega Lok Adalat.

6. When the matter came up for hearing Mr.N.R.Elango, learned Senior Counsel appearing for Jayashree fairly submitted that the FIR in Crime No.361/2007 ought not to have been closed by National Mega Lok Adalat and the law laid down by this Court in CrI.OP.6755 of 2015 would apply to the facts of the present case also.

7. Under such circumstances, the proceedings in Crime No.361/2007 that was closed in the National Mega Lok Adalat on 12.04.2012 is hereby set aside.

8. Mr.N.R.Elango, learned Senior counsel appearing for Jayashree submitted that it would serve interest of justice, if the case is transferred from the file of the Railway police to any other police.

9. In view of the above, the case in Crime No.361/2007 is transferred from the file of the Inspector of Police, Chennai Central Railway Police Station to the file of the Assistant Commissioner of Police, Periamet, who shall be the Investigating Officer in conducting the investigation.

10. The Inspector of Police, Chennai Central Railway Police Station is directed to transfer the case in Crime No.361/2007 to the Assistant Commissioner of Police, Periamet within two weeks from the date of receipt of a copy of this order. Thereafter, the Assistant Commissioner of Police is directed to complete the investigation within a period of six months.

With the above directions, this petition is ordered.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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TO

1. The Member Secretary,
Tamil Nadu Legal Services Authority,
High Court, Chennai.
 2. The Inspector of Police
Chennai Central Railway Police Station,
Chennai.
 3. The Public Prosecutor, High Court, Madras.
 4. The XVI Metropolitan Magistrate George Town, Chennai.
 5. The Asst. Commissioner Of Police, Periamet.
- + 1 cc to M/s. S. M. Muralidharan, Advocate Sr.66206

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RSI(CO)
Eu 22.12.16



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