

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM:

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

Crl.O.P. No.25691 of 2016 & Crl.M.P.No.12533 of 2016

L.Munishwar Ganesan

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Petitioner/Accused

Vs.

1 The State Rep. by its
The Inspector of Police
P-5, M.K.B. Nagar Police Station,
Viyasarpadi, Chennai - 600 039.
(Crime No.990 of 2016)

2 Sundaramoorthy Respondents/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the criminal complaint against the petitioner in Cr.No.990/2016, on the file of the Inspector Police, P-5, M.K.B. Nagar Police Station, at Chennai.

For petitioner Mr.C.Nithysh Sekhar
For R1 Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records and quash the criminal complaint against the petitioner in Cr.No.990/2016, on the file of the Inspector Police, P-5, M.K.B. Nagar Police Station, at Chennai.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st Respondent.

3. On the complaint lodged by Sundaramoorthy, the Respondent Police have registered a case in Crime No.996 of 2016 against for offence u/s. 294(b), 506(2) of I.P.C. against Munishwar Ganesan, challenging which, Munishwar Ganesan is before this Court.

4. The learned counsel for the petitioner submitted that Munishwar Ganesan is none other than the uncle of Nirmala, who is the first wife of Sundaramoorthy.

5. On the complaint lodged by Nirmala, before the All Women Police Station, M.K.B.Nagar, a case has been registered in Crime No.6/2016 against Sundaramoorthy for offences u/s. 498(A), 406, 494 & 506 (ii) I.P.C.

6. Under such circumstances, it is the submission of the learned counsel for Munishwar Ganesan that Sundaramoorthy has lodged the present prosecution as a counter blast for the case that has been registered against him in crime No.6/2016.

7. This Court is of the view that it will be in the interest of justice, if Crime No.6 of 2016 and Crime No.990 of 2016 are investigated by the same Investigating Officer.

8. Under such circumstances, this Court directs the Inspector of Police, M.K.B.Nagar Police Station, to transfer the case diary in Crime No.990/2016 to the file of the Inspector of Police, All Women Police Station, M.K.B.Nagar, within two weeks from the date of receipt of a copy of this order.

9. The Inspector of Police, All Women Police Station, M.K.B.Nagar, is directed to conduct investigation in Crime Nos.990/2016 and 6/2016 and if it is found that the allegations in crime No.990/2016 is false, it is needless to state that further prosecution against the petitioner shall be dropped.

With the above direction, this petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
P-5, M.K.B. Nagar Police Station,
Viyasarpadi, Chennai - 600 039.

2. The Inspector of Police,
All Women Police Station,
M.K.B.Nagar, Chennai.

3. The Public Prosecutor
High Court of Madras
Chennai 600 104

+2 cc to Mr.C.Nithyash Sekhar Advocate sr 69721

CrI.O.P. No.25691 of 2016

pvs(co)
aa29/12/2016