

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU
AND
THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P.No.10217 of 2004

Balamurali

... Petitioner

Vs

1. The State of Tamil Nadu rep by
Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009
2. The Director General of Police,
Chennai - 600 008
3. The Commissioner of Police,
Chennai - 600 008
4. The Inspector of Police,
Central Crime Branch (Team)
Office of the Commissioner of Police,
Chennai - 600 008
5. S.S. Krishna Murthy
Deputy Commissioner of Police,
Office of the Commissioner of Police,
Chennai - 600 008

6. Arunachalam
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari to call for the records relating to the FIR in Cr.No.888 of 2003 dated 08.10.2003 on the file of the fourth respondent and quash the same.

For petitioner : Mr.V. Selvaraj
For R.1 to R.4 : Mr.A.N. Thambidurai
Spl.Govt. Pleader
For R.5 : Mr.S. Rajendrakumar
M/s.Norton & Grant
For R.6 : Mr.S. Swaminathan
M/s SPAN Associates

ORDER

(Order of the Court was made by S. NAGAMUTHU,J.,)

The petitioner has filed the present writ petition to issue a Writ of Certiorari to call for the records relating to the FIR in Cr.No.888 of 2003 dated 08.10.2003 on the file of the fourth respondent and quash the same.

2. The petitioner is the fourth accused in Cr.No.888 of 2003 for the offences punishable under Secs.147, 148, 342, 395, 397, 323, 324, 385, 506, 307 IPC read with Sec.25(1) of Indian Arms Act and seeking to quash the First Information Report, the petitioner has come up with this writ petition.

3. We have heard Mr.V. Selvaraj, learned counsel for the petitioner and Mr.A.N. Thambidurai, learned Special Government Pleader for the respondents 1 to 4 and perused the records carefully.

4. It is submitted by the learned Special Government Pleader that in the instant case, on completing the investigation, charge sheet was laid, upon which, cognizance was taken and the entire case is being tried by the learned II Additional Sessions Judge in S.C.No.193 of 2008 and four witnesses were examined by the prosecution also and in view of the above development, nothing survives in this writ petition for adjudication.

5. There are two judicial orders viz., one order taking cognizance of the offence and another order framing charges against the accused. When there are two such judicial orders, giving a finding that there are materials to proceed against the accused by means of trial, we cannot at this distant point of time, quash the first information report. In our considered view, this writ petition has become infructuous and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009
2. The Director General of Police,
Chennai - 600 008
3. The Commissioner of Police,
Chennai - 600 008
4. The Inspector of Police,
Central Crime Branch (Team)
Office of the Commissioner of Police,
Chennai - 600 008

+1cc to Mr.V.Selvaraj, Advocate Sr.9738
+1cc to the Government Pleader Sr.9423

W.P.No.10217 of 2004

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srg 20/03/2017