

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

CORAM:

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

CrI.O.P. No.20094 of 2017 & CrI.M.P. Nos.12109 & 16070 of 2017

PUMA Sports India Pvt. Ltd.

No.509 CMH Road (Madhuresh)

Bengaluru - 560 038

represented by its Authorised Signatory

...Petitioner

vs.

1 The Additional Director General of Police
Crime Egmore
Old Commissionerate Building
Pantheon Road
Egmore, Chennai 600 008

2 The Deputy Commissioner of Police
Central Crime Branch
Commissioner Office Building
EVK Sampath Road
Vepery, Chennai 600 007

3 The Superintendent of Police
Video Piracy & Intellectual Property Cell
Old Commissionerate Building
Pantheon Road
Egmore, Chennai 600 008

4 Syed Layak Ali ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records culminating in passing of the order dated 24.07.2017 in M.P. No.2547 of 2017 on the file of the Chief Metropolitan Magistrate Court, Egmore at Allikulam, Chennai - 3 and quash the same and the proceedings in the said M.P. No.2547 of 2017.

For petitioner Mr. R. Shanmugasundaram
Senior Counsel
for Mr. A.R. Ramanathan

For RR 1- 3

Mr. C. Iyappa Raj
Additional Public Prosecutor

For R4

Mr. A. Ramesh
Senior Counsel
for Mr. C. Arun Kumar

ORDER

This Criminal Original Petition has been preferred seeking to call for the records culminating in passing of the order dated 24.07.2017 in M.P.No.2547 of 2017 on the file of the Chief Metropolitan Magistrate Court, Egmore at Allikulam, Chennai - 3 and quash the same and the proceedings in the said M.P. No.2547 of 2017.

2 It is seen that the de facto complainant/fourth respondent had filed an application in CrI.M.P. No.2547 of 2017 under Section 156(3) Cr.P.C. before the Chief Metropolitan Magistrate, Egmore, Chennai, in which, the Chief Metropolitan Magistrate, by the impugned order dated 24.07.2017, has directed the Deputy Commissioner of Police, Central Crime Branch, to register an FIR. Challenging the said order, the proposed accused is before this Court.

3 Mr. R. Shanmugasundaram, learned Senior Counsel appearing for the proposed accused/petitioner submitted that the aforesaid direction by the Chief Metropolitan Magistrate is clearly an abuse of process of law, inasmuch as, earlier, the de facto complainant/fourth respondent had obtained a similar order and an FIR in Cr. No.367 of 2017 has been registered, challenging which, the proposed accused/petitioner herein has filed CrI.O.P. No.24293 of 2017.

4 Per contra, Mr. A. Ramesh, learned Senior Counsel appearing for the de facto complainant submitted that the allegation in Cr. No.367 of 2017 and the allegation in the complaint petition in CrI.M.P. No.2547 of 2017 are totally different and therefore, a fresh FIR has to be registered, pursuant to the direction of the Magistrate.

5 It is a trite law that a proposed accused has no right of a pre-decisional hearing before registration of an FIR in terms of the law laid down in V.C. Shukla vs. State (Delhi Administration) [1980 Supp SCC 249].

6 Therefore, the present quash application filed by the proposed accused challenging the docket order 24.07.2017 passed by the Chief Metropolitan Magistrate in CrI.M.P. No.2547 of 2017 cannot be sustained.

In fine, this Criminal Original Petition stands dismissed with liberty to the proposed accused / petitioner to approach this Court, in the event, an FIR being registered on the order passed by the Magistrate in Crl.M.P.No.2547 of 2017, if so advised. Connected Crl.M.Ps. are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Additional Director General of Police
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Egmore, Chennai 600 008
- 4 The Chief Metropolitan Magistrate Court,
Egmore at Allikulam
Chennai - 3

- 5 The Public Prosecutor
High Court of Madras, Chennai 600 104

+2cc to Mr.A.R.Ramanathan, Advocate, S.R.No.51759

+2cc to Mr.C.ArunKumar, Advocate, S.R.No.51606

Crl.O.P. No.20094 of 2017

GSP(13/08/2018)