

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.07.2018

PRONOUNCED ON : 11.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition Nos.15451 and 3701 of 2018

and CrI.M.P.Nos.7863 and 1674 of 2018

S.Siva

... Petitioner in both CrI.O.Ps.

Vs.

The Inspector of Police
CCB-V Division Police Station
Commissioner of Police Wing
Vepery, Chennai.

... Sole Respondent in
CrI.O.P.15451/2018 & R1
in CrI.O.P.3701/2018

R.Vijayalakshmi
Head Clerk
Judicial Magistrate Court
Alandur, Chennai.

... R2 in CrI.O.P.3701/2018

CrI.O.P.No.15451 of 2018 filed under Section 482 Cr.P.C., to
issue direction to the Judicial Magistrate at Alandur, Chennai
to close C.C.No.1275 of 2017 pending on his file.

CrI.O.P.No.3701 of 2018 filed under Section 482 Cr.P.C., to
call for the records relating to C.C.No.1275 of 2017 pending on
the file of the Judicial Magistrate Court at Alandur, Chennai -
16 and quash the same.

For Petitioner

:Mr.Siva [party-in-person]

For Sole

:Mrs.Kritika Kamal, P.

Respondent in

Government Advocate [CrI.Side]

CrI.O.P.15451/2018 & R1

in CrI.O.P.3701/2018

C O M M O N O R D E R

On the complaint lodged by the Head Clerk of the Judicial Magistrate Court, Alandur, the respondent police registered a case in Cr.No.171 of 2016 on 28.12.2016 for offences under Sections 420, 465, 466, 467, 468 and 471 IPC and after completing the investigation, have filed a charge sheet in C.C.No.1275 of 2017 before the Judicial Magistrate, Alandur, for quashing which, the petitioner has filed Crl.O.P.No.3701 of 2018. Thereafter, the petitioner has filed Crl.O.P.No.15451 of 2018, with a peculiar prayer to close the prosecution in C.C.No.1275 of 2017.

2. Heard Mr.Siva, Party-in-Person, who reiterated the grounds raised by him in the petition.

3. At the outset, learned Government Advocate [Crl.Side] submitted that the trial in C.C.No.1275 of 2017 has begun and two witnesses have been examined and in fact, the petitioner has even cross-examined P.W.2. That apart, the prayer as framed by the petitioner is not sustainable. Even assuming for a moment that the petitioner is seeking to quash the proceedings in C.C.No.1275 of 2017, the same cannot be acceded to, in view of the fact that two witnesses have been examined and trial is in progress. That apart, the allegation against the petitioner is that he had submitted a fabricated document in the trial Court and the prosecution has been launched pursuant to the complaint given by the Head Clerk of the Court. This Court finds sufficient materials against the petitioner in the Final Report and the 161(3) statements for the prosecution in C.C.No.1275 of 2017 to proceed further.

In the result, these petitions are dismissed as being devoid of merits. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

gms

To

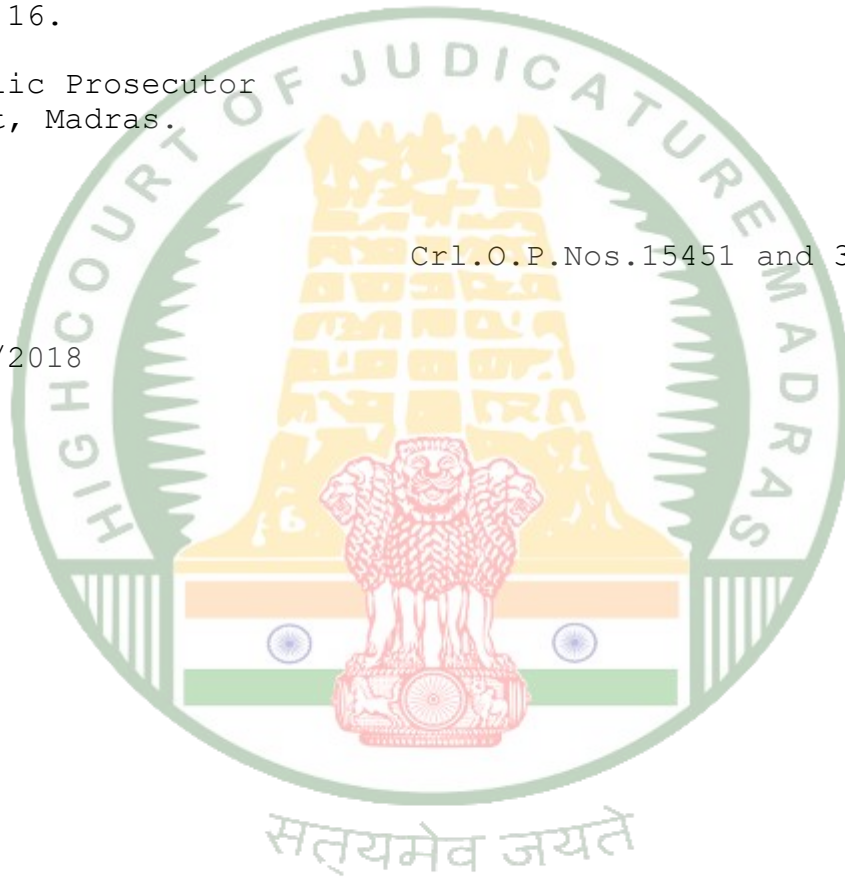
1.The Inspector of Police
CCB-V Division Police Station
Commissioner of Police Wing
Vepery, Chennai.

2.The Judicial Magistrate
Alandur
Chennai - 16.

3.The Public Prosecutor
High Court, Madras.

Crl.O.P.Nos.15451 and 3701 of 2018

srg 17/07/2018



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