

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27088 of 2018

S.Shanmugam

...Petitioner

Versus

1.The Inspector of Police,
K-4 Anna Nagar Police Station,
6th Ave, Anna Nagar, Anna Nagar East,
Chennai - 600 040.

2.The Commissioner of Police,
COMMISSIONER OFFICE BUILDING,
No.132, EVK Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to serve summons to the accused namely Priya to the C.C.No.1473 of 2016 through the CBCID Branch-VII team where the accused makes regular appearance for the Crime No.285 of 2009 for case C.C.No.2453 of 2013 before the CCB Court, Egmore on 22.11.2018.

For Petitioner : Mr.S.Thangaraja

For Respondents : Mr.C.Raghavan
Government Advocate [Crl. Side]

O R D E R

This petition has been filed for a direction to the 1st respondent to serve summons to the accused in a pending case in C.C.No.1473 of 2016.

2.The learned counsel for the petitioner would submit that the petitioner is the complainant in 138 complaint filed against one Priya. In the said complaint, the petitioner has taken several steps to serve the summons on the said Priya. However, he was not able to serve the summons. The learned counsel for the petitioner would further submit that there is a case against the said Priya, which was investigated by the CBCID

Branch-VII team and a final report has been filed in that case and the same has been taken on file in C.C.No.2453 of 2013, which is pending before the CCB Court, Egmore.

3.The learned counsel for the petitioner would submit that the summons in the complaint filed by the petitioner, should be served to the accused persons namely Priya through the CBCID Branch-VII team. For this purpose, the petitioner has approached this Court.

4.This Court cannot over look the learned Magistrate and give parallel direction with regard to the manner of service of summons. The proper procedure would be to seek for such a direction before the concerned Court by filing a memo. Without doing so, the petitioner has directly approached this Court and this Court is not in a position to give any direction, as sought for by the petitioner.

5.This Criminal Original Petition is disposed of, by giving liberty to the petitioner to move an appropriate memo before the Fast Track Court-II, Allikullam, Egmore seeking for serving a summon to the accused person through CBCID Branch-VIIth team, which has already filed a final report against the concerned accused person and where the case is pending against the accused person in that case in C.C.No.2453 of 2013.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
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Chennai - 600 040.

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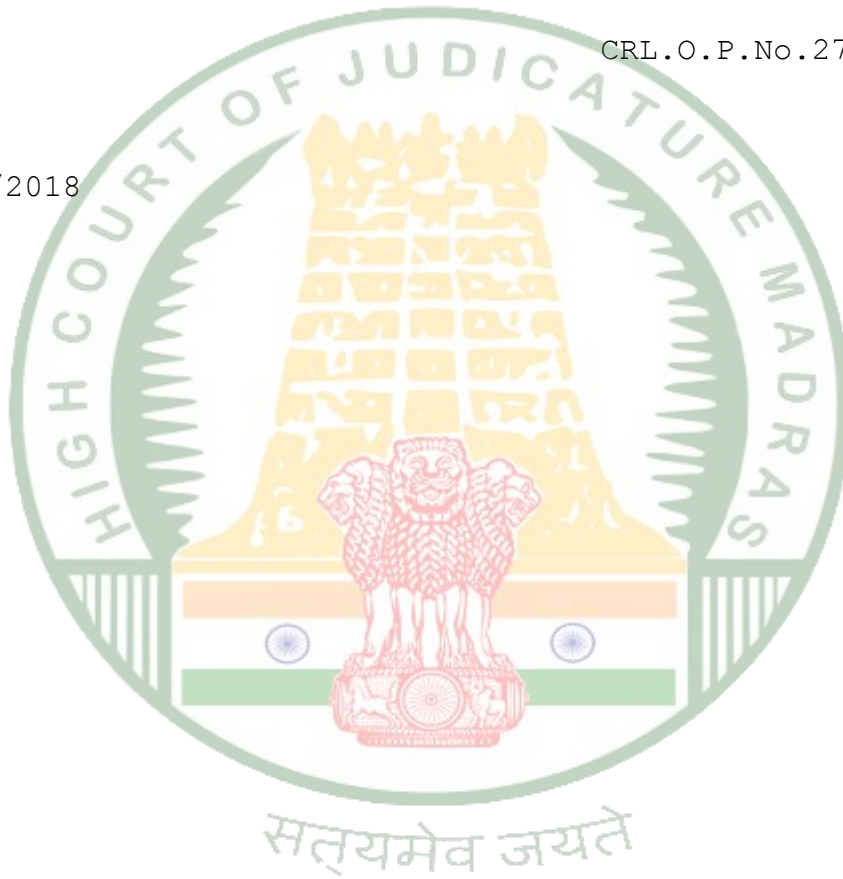
3.The Public Prosecutor,
High Court, Madras.

4.The Judge,
FTC -II, Allikulam, Egmore, Chennai-8.

+2cc to Mr.S.Thangaraja, Advocate Sr.88146 [19/12/2018]

CRL.O.P.No.27088 of 2018

vd[co]
srg 10/12/2018



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