

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28756 of 2018

and

Cr1.M.P.No.16781 of 2018

L.Rajkumar

....Petitioner/Accused

-Vs-

1.State rep. by

The Inspector of Police,
Alandurai Police Station,
Coimbatore.

Crime No.35 of 2014

....Respondent/ Complainant

2.C.Muruganantham

.... Respondents/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records and quash the R.I.R in Crime No.35 of 2014 pending before the respondent police.

For Petitioner: Mr.Krishnasamy Chinnasamy

For R1: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the FIR in Crime No.35 of 2014 pending on the file of the respondent police.

2.The respondent police had initially registered an FIR in Crime No.35 of 2013 under Section 174 of Cr.P.C. Subsequently, it was altered to an offence under Section 306 of IPC.

3. The learned counsel for the petitioner would submit that during the very same incident, the respondent police registered an FIR against the petitioner for an offence under Section 309 of IPC. The petitioner underwent trial for the said offence and

the Judicial Magistrate No.II, Pollachi by Judgment dated 25.04.2018 had acquitted the petitioner on the ground that the prosecution has failed to establish the case beyond the reasonable doubts. The learned counsel for the petitioner relying upon the said Judgment submitted that the related case registered under Section 306 of IPC therefore becomes unsustainable.

4. The learned Additional Public Prosecutor would submit that the case is under investigation and the respondent police will take into consideration, the Judgment passed in STC.No.287 of 2015 by the Judicial Magistrate No.II, Pollachi, in the course of investigation.

5. This Criminal Original Petition is disposed of with a direction to the first respondent to complete the investigation and file a final report or a closure report, as the case may be, within a period of one month from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

LPP/vsa

To

1.The Inspector of Police,
Alandurai Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

+2cc to Mr.Krishnasamy Chinnasamy, Advocate, S.R.No.84858

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CrI.O.P.No.28756 of 2018
and
CrI.M.P.No.16781 of 2018

VBA (CO)
GSP (26/12/2018)