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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2018
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.15504 of 2014
and
M.P.(MD) No.1 of 2014

Amachandran

...Petitioner

Vs.

1.The Inspector of Police,
Cumbum South Police Station,
Theni District
Crime No.241/2013

2.Jeevarathinam

..Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to F.I.R. in crime No.241 of 2013 on the file of the 1st respondent and quash the same.

For Petitioner : No Appearance

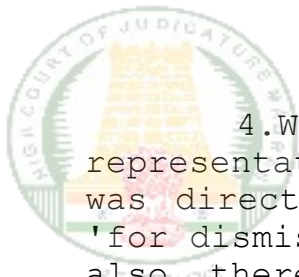
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
G.A., (Crl. Side) for R1

ORDER

This criminal original petition has been filed to call for the records relating to F.I.R. in crime No.241 of 2013 on the file of the 1st respondent and quash the same.

2.On earlier occasion, the learned Government Advocate (criminal side) would submit that in crime No.241 of 2013 on the file of the respondent police, charge has been filed before the learned Judicial Magistrate, Uthamapalayam. Therefore, this Court directed the learned Chief Judicial Magistrate, Theni to verify the same and call for the report in this regard.

3.On such direction, the learned Chief Judicial Magistrate, Theni vide his communication dated 19.03.2018 reported that in crime No.241 of 2013 on the file of the respondent police, charge sheet has been filed for the offences under Section 379 of I.P.C.(NP) before the learned Judicial Magistrate, Uthamapalayam on 21.07.2014 and the same was entered in No.55 register R.O.C.No.2749. However, the charge sheet has been returned and sent to the respondent police station in D.No.1471 dated 13.04.2015, since Athatchi and Form 91 were not filed along with the charge sheet.



4. When the matter was called on 31.08.2018, there was no representation on behalf of the petitioner. Therefore, this matter was directed to be listed today i.e. on 03.09.2018 under the caption 'for dismissal'. Accordingly, this matter is listed today and today also, there is no representation on behalf of the petitioner.

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5. Today, the learned Government Advocate (criminal side) would submit that the returned charge sheet has been received by the first respondent police and still it is pending with the first respondent police for compliance.

6. Recording the submission of the learned Government Advocate (criminal side), this criminal original petition is dismissed as the prayer in this petition has become infructuous, since the charge sheet has been laid and pending for re-representation for compliance. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate,
Uthamapalayam.

2. The Inspector of Police,
Cumbum South Police Station,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) .No.15504 of 2014
and
M.P. (MD) No.1 of 2014
03.09.2018

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