

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No. 697 of 2019

and

CrI.M.P.No.438 of 2019

Siva @ Sivagnanam ...Petitioner/Accused

Vs.

1. The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai.

2. N.Ambika ...Respondents/Complainant/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the C.C.No.568 of 2017 pending on the file of the Judicial Magistrate Court at Alandur, Chennai - 16 and quash the offense U/S.419, 420, 494, 506 (i) IPC Section of C.C.No.568 of 2017.

For Petitioner : Mr.S.Siva @ Sivagnanam P

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.568 of 2017 pending on the file of the learned Judicial Magistrate Court at Alandur.

2.It is seen from records that the petitioner has already filed a petition for discharge in C.M.P.No.1743 of 2018 before the learned Judicial Magistrate, Alandur. The final order has been passed in this petition on 29.11.2018, wherein the petitioner was discharged for an offence under Section 498 (A) of IPC alone and the petition was dismissed insofar as the offences under Sections 419, 420, 494, 506(i) of IPC are concerned.

3.The petitioner who appeared in person submitted that he had already filed a criminal revision challenging the said order and the same is pending. In the mean time, this petition has also been filed seeking to quash the proceedings. When the petitioner has also pursued his remedy against the order passed by the learned Judicial Magistrate, Alandur, an independent petition under Section 482 of Cr.P.C. is not maintainable before this Court. The petitioner cannot parallelly prosecute two proceedings one for discharge and another for quash. Therefore, the petitioner has to necessarily workout his remedy only in the Criminal Revision that he has filed against the order passed by the learned Judicial Magistrate, Alandur.

4. In the result, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

dh/kal

To

1. The Judicial Magistrate,
Alandur, Chennai - 16
2. The Inspector of Police,
W-32 All Women Police Station,
Madipakkam,
Chennai.
3. The Public Prosecutor, High Court, Madras.

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NMI (CO)
GMY (01/02/2019)