

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.763 of 2019
and Crl.M.P.No.506 of 2019

G.Parthasarathy

... Petitioner

-Vs-

S.Arumugam

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the impugned order dated 27.12.2018 passed in Crl.M.P.No.4352 of 2018 in C.C.No.203 of 2015 on the file of the Learned X Metropolitan Magistrate Court at Egmore, Chennai - 600 008.

For Petitioner : Mr.P.K.Murali

ORDER

This petition has been filed seeking to set aside the order passed by the Court below in dismissing the petition filed under Section 91 of Cr.P.C.

2.The petitioner is the complainant before the Court below and he filed a complaint against the respondent for the alleged offence under Sections 294(b), 217, 506(i) of IPC. During the pendency of the complaint, the petitioner had filed a petition under Section 91 of Cr.P.C. seeking for production of 'General Diary'. This petition has been dismissed by the Court below. Aggrieved by the same, the present petition has been filed.

3. This Court by judgment in the case of Haji Mohammed and Others v. the State rep. By the Inspector of Police, Koradacheri P.S., Thiruvavur District reported in 2018 (2) LW Criminal 853, has held that the General Diary also falls within the scope of Section 172 of Cr.P.C. and the same cannot be called for in evidence. This judgment is squarely applicable to the facts of the present case. This Court does not find any ground to interfere with the order passed by the Court below.

4. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ssr/kal

To

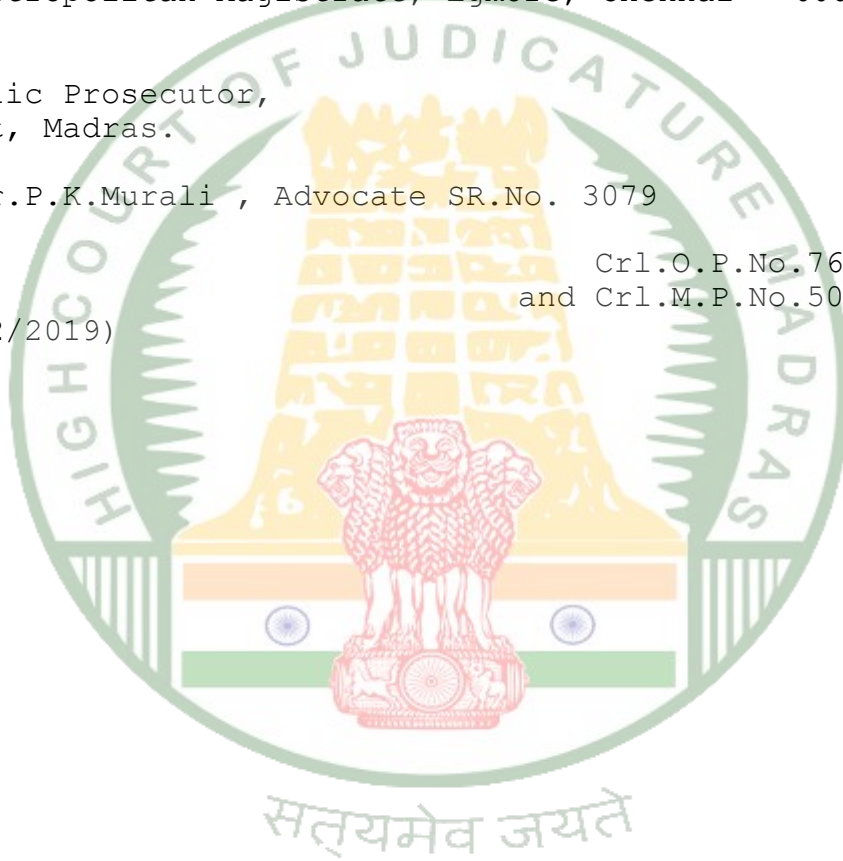
1.the X Metropolitan Magistrate, Egmore, Chennai - 600 008.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.K.Murali , Advocate SR.No. 3079

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A.SK(12/02/2019)



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