

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11656 of 2009

N.K.K.P.Raja

... Petitioner

Vs.

1.The State by Inspector of Police,
Perundurai Police Station,
Crime No.909 of 2008,
Erode District.

2.P.Malarvizhi ... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to the case in Crime No.909 of 2008 pending investigation on the file of the 1st respondent police, quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran
For Respondents : Ms.Saradha Devi for R1
Government Advocate (Crl.Side)
Mr.K.M.Vijayan
for Mr.N.Chinnaraj(R2)

O R D E R

The petitioner has filed this petition seeking to call for the records relating to the case in Crime No.909 of 2008 pending investigation on the file of the first respondent police, to quash the same by allowing this criminal original petition.

2.The learned counsel appearing for the petitioner would submit that it is alleged that the petitioner along with the other accused kidnapped one Sivabalan. He would further submit that in order to identify Sivabalan, his relative filed H.C.P.No.1653 of 2008, wherein, this Court in the order dated 17.11.2008 in paragraph nos.10 and 12 clearly held that the detainee was hiding himself and dismissed the said H.C.P.

3.The learned counsel appearing for the petitioner would further submit that even in the counter affidavit filed on behalf of the law enforcing agency, it is clearly stated that Sivabalan, son of the second respondent has concealed himself for the reasons best known to him and he is not kidnapped or kept under the custody of the petitioner herein. Hence, this Court may issue direction to the first respondent to conclude the enquiry based on the counter affidavit dated 13.07.2009 filed on behalf of the law enforcing agency in CrI.O.P.No.11656 of 2009 and also based on the order of this Court dated 17.11.2008 made in H.C.P.No.1653 of 2008.

4.Per contra, the learned counsel appearing for the second respondent would submit that without being influenced by anyone, the law enforcing agency may be directed to conclude the enquiry.

5.The learned Government Advocate (Criminal Side) would submit that the law enforcing agency would conclude the enquiry, within a period of six weeks from the date of receipt of a copy of this order.

6.In view of the above, this Court directs the first respondent to conclude the enquiry in Crime No.909 of 2008, within a period of six weeks from the date of receipt of a copy of this order.

7.This criminal original petition is accordingly disposed of. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1.The Inspector of Police,
Perundurai Police Station,
Crime No.909 of 2008,
Erode District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to M/s.N.Manoharan Advocate sr102414

Cr1.O.P.No.11656 of 2009

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