

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.20598 of 2009 and
M.P.Nos.1 of 2009 and 1 of 2012

M.Baskar

.. Petitioner

-vs-

1.The State of Tamil Nadu,
rep. by the Inspector of Police,
Central Crime Branch,
Team No.1, Chennai Sub Urban Police,
St. Thomas Mount, Chennai-600 016.

2.T.M.Mahalakshmi

3.A.E.Asokan

4.Indu

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari so as to quash FIR No.95/2009 dated 11.08.2009 pending on the file of the first respondent as far as this writ petitioner is concerned.

For Petitioner :: Mr.N.Jothi,
Senior Counsel for
Mr.D.Shivakumar

For Respondents :: Mr.K.Ravikumar,
Additional Government Pleader
for R1

Mr.S.Srinivasan for R2

No appearance for R3 and R4

ORDER

The writ petition has been filed by the petitioner seeking issuance of a writ of certiorari to quash the F.I.R. No.95/2009 dated 11.08.2009 pending on the file of the Inspector of Police, Central Crime Branch, Team No.1, Chennai Sub Urban Police, St.

Thomas Mount, Chennai, the first respondent herein as far as the petitioner is concerned.

2.Mr.N.Jothi, learned Senior counsel appearing for the petitioner would submit that in view of F.I.R No.95/2009 dated 11.08.2009 filed against the petitioner, the petitioner came to this Court by filing this writ petition under Article 226 of the Constitution of India and this Court, agreeing with the prima facie case made out by the petitioner, granted an order of stay, but for some reasons, this Court is of the view that to question the correctness of the validity of the F.I.R., the petitioner should invoke Section 482 of the Cr.P.C. Therefore, learned senior counsel for the petitioner prays for liberty to move before the appropriate Court.

3.Learned Additional Government Pleader appearing for the first respondent has no serious objection in granting such liberty.

4.Since the writ petition was filed for quashing the F.I.R., the petitioner cannot invoke Article 226 of the Constitution of India to quash the F.I.R and he has to approach the Court having jurisdiction under Section 482 of Cr.P.C. This Court, granting liberty to the petitioner to file a petition before the appropriate Court, is inclined to dismiss the petition as not maintainable. Accordingly, the writ petition is dismissed as not maintainable. Consequently, connected W.M.Ps. are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vga
To

The Inspector of Police,
Central Crime Branch,
Team No.1, Chennai Sub Urban Police,
St. Thomas Mount, Chennai-600 016.

+2 cc's to Mr.D.Sivakumar, Advocate Sr.No.23984
+1 cc to The Government Pleader, Sr.No. 25115
+1 cc to Mr.S.Srivasan, Advocate Sr.No.25016

W.P.No.20598 of 2009 and
M.P.Nos.1 of 2009 and 1 of 2012

CSL/23.04.2019