

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.2980 & 2981 of 2010

and

M.P.Nos.1,1, 2 and 2 of 2010

Sanjay Agarwalla

..Petitioner
(in W.P.No.2980 of 2010)

Sanjay Tulsyan

..Petitioner
(in W.P.No.2981 of 2010)

/Vs/

1.The Commissioner of Police,
Greater Chennai,
Egmore, Chennai.

2.The Inspector of Police,
Nungambakkam Police Station,
Chennai.

3.The Commissioner of Police,
Head Quarters,
No.18, Lalbazar Street,
Kolkata - 700 001,
West Bengal.

4.The Inspector of Police,
Hare Street Police Station,
Kolkata, West Bengal.

5.C.K.Trade Exports Pvt. Ltd.,
Rep.by one of its employees,
Mr.Aditya Chirimar.

.. Respondents
(in both W.Ps)

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari, to call for the records of FIR in Crime No.317 of 2009 pending investigation on the file of the 4th respondent police, quash the same.

For Petitioners : Mr.Abudu Kumar Rajarathinam
(in both W.Ps)

For Respondents : Mrs.M.Lalitha
Government Advocate for R1 to R4
(in both W.Ps)
R5 dismissed vide Court order
(in both W.Ps)

C O M M O N O R D E R

Heard the learned counsel for the petitioners, the learned Government Advocate for the respondents 1 to 4 and perused the materials available on record.

2.These writ petitions have been filed to quash the first information report in Crime No.317 of 2009, pending on the file of the Inspector of Police, Hare Street Police Station, Kolkata, West Bengal.

3. These writ petitions have been filed on the ground that a part of cause of action had arisen, within the jurisdiction of this Court.

4. It is vehemently opposed by the learned Government Advocate that the issue involved in these writ petitions are pending before the Calcutta Court and hence, these writ petitions are not maintainable.

5. In the case on hand, the criminal case registered in the State of West Bengal is sought to be quashed on various grounds. Though the defacto complainant was made as fifth respondent, these writ petitions against the fifth respondent were dismissed for default. It is not disputed that the fifth respondent is a necessary party. Hence, it would not be appropriate to entertain the writ petitions especially when the case has been registered out side the jurisdiction of this Court.

6. Taking note of the above facts, in the considered opinion of this Court, these writ petitions are liable to be dismissed. Accordingly, they are dismissed, however, granting liberty to the petitioners to approach the concerned Court for appropriate remedy. No costs. Consequently, connected miscellaneous petitions are closed.
ms

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai,
Egmore, Chennai.

2.The Inspector of Police,
Nungambakkam Police Station,
Chennai.

3.The Commissioner of Police,
Head Quarters,
No.18, Lalbazar Street, Kolkata - 700 001,
West Bengal.

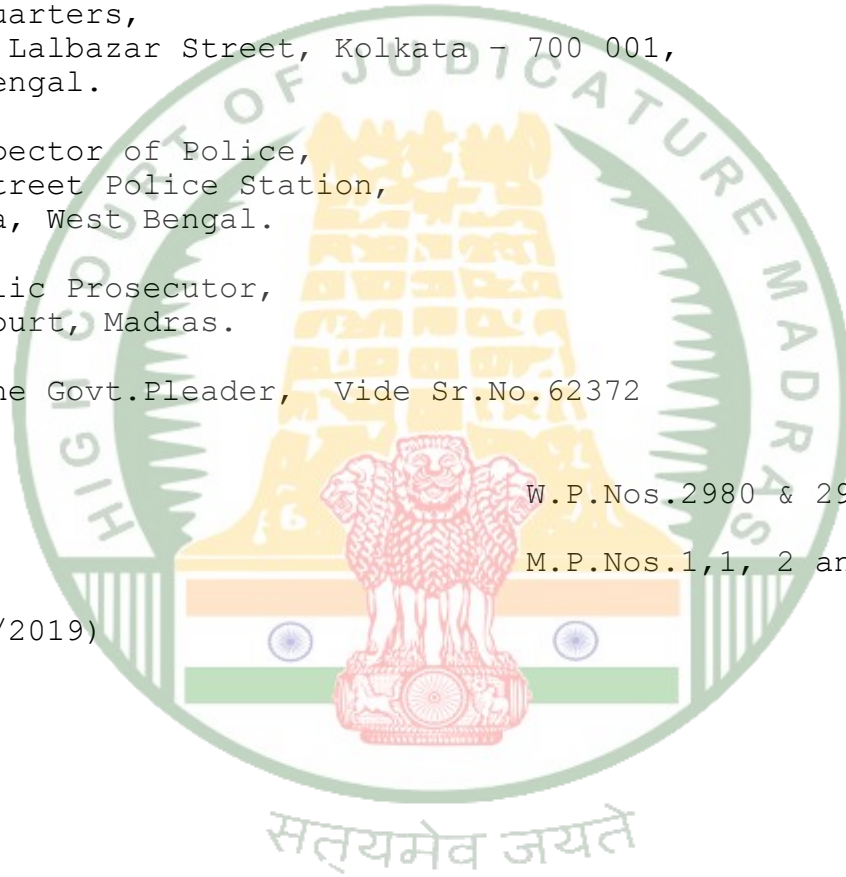
4.The Inspector of Police,
Hare Street Police Station,
Kolkata, West Bengal.

5.The Public Prosecutor,
High Court, Madras.

+1cc to the Govt.Pleader, Vide Sr.No.62372

W.P.Nos.2980 & 2981 of 2010
and
M.P.Nos.1,1, 2 and 2 of 2010

Kak(18/09/2019)



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