

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.02.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.3474 of 2019
and
CRL.M.P.No.2233 of 2019

P.Govindasamy

...Petitioner

-Vs-

1.The Deputy Superintendent of Police
Arani Division
Arani, Tiruvannamalai District

2.The Inspector of Police
Santhavasal Police Station
Tiruvannamalai District

3.A.Krishnamurthy

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.6 of 2015 pending on the file of the 2nd respondent police and quash the same.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2

O R D E R

This Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C, to call for the records in Crime No.6 of 2015 pending on the file of the 2nd respondent police and quash the same.

2.The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased Banupriya. Due to cruelty committed by the deceased and illegal intimacy of the deceased the petitioner issued a legal notice dated 21.10.2013 and the petitioner filed a petition in H.M.O.P. No.103 of 2013 before the learned sub Court, Arani, Tiruvannamalai District against the deceased under Section 13(1)(i), 13(1)(i-a) for Hindu Marriage Act. After a lapse of two years the deceased committed suicide.

At the time of committing suicide the petitioner and the deceased lived separately. The petitioner has been falsely implicated in this case and FIR in Crime No.6 of 2015 under Section 174(3) of Cr.P.C. Altered to 498(A) and 306 IPC. Accordingly, prays for quashing of the same.

3.The learned Additional Public Prosecutor would submit that the investigation has been completed and charge sheet has also been filed on 04.06.2016. The learned Magistrate, Polur did not take cognisance on the charge sheet filed. Hence, the prayer sought in this petition has become infructuous. Accordingly, prays for dismissal of the same.

4.Considering the facts and circumstances of the case, the learned Judicial Magistrate, Polur is hereby directed to take cognisance on the charge sheet filed by the 2nd respondent police within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this petition stands disposed of. The petitioner is at liberty to challenge the same in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial magistrate Polur.

2.do thro Chief Judicial Magistrate,Thiruvannamalai

3.The Deputy Superintendent of Police

Arani Division

Arani, Tiruvannamalai District

4.The Inspector of Police

Santhavasal Police Station

Tiruvannamalai District

5.The Public Prosecutor,High Court, Madras.

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A.SK(12/03/2019)