

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11295 of 2019
and
Crl.M.P.No.5743 & 5767 of 2019

Roopesh

.. Petitioner/Accused-1

Vs

1.State represented by
Inspector of Police
H-8, Thiruvotriyur Police Station,
Thiruvotriyur, Chennai - 600019.

... Respondents/Complainant

2.B.Jayachandran,
Inspector of Police (Traffic),
H-8, Thiruvotriyur Police Station,
Thiruvotriyur, Chennai - 600019.

... Respondents/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in P.R.C.No.42 of 2012 on the file of the learned Judicial Magistrate, Thiruvotriyur, Chennai and to quash the same.

For Petitioner : Mr.Dr.G.Krishnamurthy
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the P.R.C.No.42 of 2012 on the file of the Judicial Magistrate, Thiruvotriyur, Chennai for the offences under section 341, 294(b), 353, 323, 307 and 506 (ii) IPC.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner submitted that there are three accused for the offences punishable under section 341, 294(b), 353, 323, 307 and 506 (ii) IPC. In pursuant to the FIR registered in crime No. 45 of 2012 on the file of the first respondent Police, in which the petitioner arrayed as first accused. Further he submitted that petitioner is

concerned, he only attempted to attack the defacto complainant and it is only a stereotypical FIR. The first respondent mechanically filed a final report as against the petitioners, as such the offence under section 307 will not at all attract the petitioner. Further he also submitted that except this petitioner, no other accused is appearing before the trial Court. After filing a final report, the matter is pending for committal in P.R.C.No.42 of 2012 from the year 2012 onwards on the file of Judicial Magistrate, Thiruvotriyur, Chennai. Hence, he seeks to quash the P.R.C.42 of 2012.

4. Considering the above facts and circumstances of the case, this Court directs the Judicial Magistrate, Thiruvotriyur, Chennai to split up the case as against the petitioner and consider the submission of the petitioner while framing the charges as against the petitioner.

5. With the above directions, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
H-8, Thiruvotriyur Police Station,
Thiruvotriyur, Chennai - 600019.

2.B.Jayachandran,
Inspector of Police (Traffic),
H-8, Thiruvotriyur Police Station,
Thiruvotriyur, Chennai - 600019.

3.The Public Prosecutor
High Court, Madras.

4. The Judicial Magistrate,
Thiruvotriyur, Chennai

+lcc to Mr.Dr.G.Krishnamurthy, Advocate sr.40433

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nr 27/06/2019