

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8450 of 2019

&

CRL.M.P.No.4503 of 2019

1. E.Velu

2. Sendhil Kumar

... Petitioners/Accused

-vs-

The State represented by
The Inspector of Police
E-3, Minjur Police Station
Minjur - 601 203.
(Crime No.524 of 2016)

... Respondent/Complainant

Prayer:-

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Learned Judicial Magistrate No.II Ponneri, to try the C.C. No.11 of 2019 case along with it's counter case of un-numbered charge sheet in Crime No.152 of 2017 on the file of the respondent police and direct the Learned Judicial Magistrate No.II Ponneri to number the charge sheet filed in respect of Crime No.152 of 2017.

For Petitioners : Mr.M.Jagan

For Respondent : M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Learned Judicial Magistrate No.II Ponneri, to try the case in C.C. No.11 of 2019 along with it's counter case of un-numbered charge sheet in Crime No.152 of 2017 on the file of the respondent police and direct the Learned Judicial Magistrate No.II Ponneri to number the charge sheet filed in respect of Crime No.152 of 2017.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and perused the material placed on record.

3. According to the petitioner, while the defacto complainant filed complaint against the petitioner in Crime No.524 of 2016 got numbered as C.C. No.11 of 2019, the petitioner filed complaint against the de-facto complainant in Crime No.152 of 2017 remains un-numbered for the alleged offence. Hence, the petitioner has filed the present petition to try the case in C.C. No.11 of 2019 in Crime No.524 of 2016 along with it's counter case of un-numbered charge sheet in Crime No.152 of 2017 and to direct the Learned Judicial Magistrate No.II Ponneri, to number for the same.

4. On perusal of the record, it is seen that the petitioner and the de-facto complainant, who are none other than brothers, made complained each other with regard to the dispute on property in question. However, the prayer of the petitioner cannot be considered since the first respondent did not file charge sheet in respect of Crime No.152 of 2017 till now. Hence, the first respondent is directed to complete the investigation in Crime No.152 of 2017 pending on his file and file a final report within a period of 3 months from the date of the receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

lbm

To:

1. The Judicial Magistrate No.II, Ponneri.
 2. The Inspector of Police
E-3, Minjur Police Station, Minjur - 601 203.
 3. The Public Prosecutor, High Court of Madras, Chennai
- +2cc to Mr.M.Jagan, Advocate, S.R.No.32237 & 30738

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RGN(CO)
CS/23/05/2019