

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.9927 of 2019

S.Siva @ Sivagnanam ... Petitioner

Vs.

The Inspector of Police,
W32, All Women Police Station,
Madipakkam,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to issue suitable direction to the Judicial Magistrate Court at Alandur, Chennai-16, to take the petition of enquire and close under Section 211 and 300 Cr.P.C., in C.C.No.568 of 2017 dated 25.02.2019 and proceed as per law pending on the title of Judicial Magistrate at Alandur, Chennai-16.

For Petitioner : Mr.S.Siva and Sivagnanam
Party-in-person

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to issue suitable direction to the learned Judicial Magistrate, Alandur, to take the petition filed by the petitioner in C.C.No.568 of 2017 dated 25.02.2019 and proceed as per law.

2.It is seen from records, the petitioner was arrayed as an accused in Crime No.1 of 2007 on the complaint made by one Ambiga, before the All Women Police Station, Madipakkam in which the petitioner was charge sheeted and after due trial, convicted. Again another compliant was lodged by the same defacto complainant, which was registered in Crime No.3 of 2012 for the offence under Sections 419, 420, 494, 498(A) and 506(i) IPC and charge sheet was also filed in C.C.No.568 of 2017, before the learned Judicial Magistrate, Alandur. Hence, the petitioner has filed a petition seeking to discharge him from the offence under Section 498(A) IPC. While the learned Judicial Magistrate, Alandur has discharged the petitioner from the offence under Section

498(A) IPC, observed that the offence under Section 419, 420, 495 and 506(i) IPC is made out as against the petitioner. Challenging the said order, the petitioner has filed a petition for enquiry and close under Section 211 and 300 Cr.P.C., before the learned Judicial Magistrate, Alandur, and the same was refused to receive. Hence, the petitioner has filed the present petition seeking direction to the Court below to take up the petition filed under Section 211 and 300 C.P.C., pass orders.

3. Heard both sides and perused the materials placed on record.

4. Considering the facts and circumstances and without going into the merits of the case, the petitioner is directed to re-present the petition filed under Section 211 and 300 Cr.P.C., before the learned Judicial Magistrate, Alandur. On receipt of the same, the trial Court is directed to consider the same, if it is maintainable. If the trial Court is not inclined to entertain such petition, return the same with proper reasons.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Alandur

2. The Inspector of Police,
W32, All Women Police Station,
Madipakkam,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. S.Siva Party-in-person SR.No. 36984

Cr1.O.P.No.9856 of 2019

A.SK(16/05/2019)