

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.15469 of 2019

P.P.Jayarajan

...Petitioner

Vs

1.The Inspector of Police,
Mahe Police Station,
Mahe.

2.The Superintendent of Police,
Mahe.

3.Nakulan @ Anil

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the entire proceedings in Crime No.56 of 2017 pending against this petition/accused on the file of the 1st respondent the Inspector of Police, Mahe Police Station Mahe and quash the same.

For Petitioner : Mr.S.Xavier Felix

For Respondent : Mr.D.Bharatha Chakaravarthy
Public Prosecutor, Pudhucherry

O R D E R

In connection with a cause of action that took place on 13.10.2017, two F.I.Rs., came to be filed in Crime No.56 of 2017 against the petitioner herein and Crime No.63 of 2017 registered at the instance of the petitioner herein. In so far as the complaint given by the petitioner herein is concerned in Crime No.63 of 2017, charge sheet has been filed. The petitioner seeks to quash the First Information Report in Crime No.56 of 2017, in which, he has been arrayed as an accused.

2 It is stated by the learned Additional Public Prosecutor appearing for the respondents No.1 and 2 that though there is no specific Police Standing Order for Pudhucherry Police Department, in practice, the Madras Police Standing

Orders are being followed. Rule 588 (A) of the Madras Police Standing Orders stipulates that in cases of complaint and counter complaints arising out of the same cause of action, the Investigation Officer is required to enquire both of them and thereafter, either charge the case where the accused were the aggressors or to refer both the cases, if he finds them untrue.

3 In the instant case, since the respondent police has chosen to register a First Information Report in Crime No.63 of 2017, which is based on the complaint given by the petitioner herein, the complaint against the petitioner arising out of the same cause of action in Crime No.56 of 2017 requires to be dropped, in view of the above Police Standing Order and on this ground, the petitioner would be entitled to the relief sought for in the Criminal Original Petition.

4 There is yet another factor to the case. When the petitioner had earlier challenged the departmental proceedings initiated against him, a Hon'ble Division Bench of this Court, by an order dated 18.04.2018 passed in W.P.No.8596 of 2018, had observed that there was no evidence to show that the petitioner had consumed alcohol at the time of occurrence of the alleged crime and that there are no grave charges against him. When such an observation has been made by the Hon'ble Division Bench of this Court, this Court is unable to comprehend as to how the Investigation Officer can take any contrary view in this matter.

5 In the light of the above observation, the FIR No.56 of 2017 stands quashed. The present case is disposed of accordingly.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsn/sbn

To

- 1.The Inspector of Police,
Mahe Police Station,
Mahe.
- 2.The Superintendent of Police,
Mahe.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Xavier Felix, Advocate SR.87821
+1cc to the Government Pleader SR.87844

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SSD(CO)
CB(04/12/2019)



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