

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 25.07.2019

CORAM  
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.21715 of 2019  
and W.M.P.No.20928 of 2019

C.P.Senthilraja

... Petitioner

Vs.

1.The Home Secretary,  
Home, Prohibition & Excise Department,  
Secretariat, Namakkal Kavignar Maaligai,  
2nd Floor, Main Building, Rajaji Road,  
Fort St.George, Chennai-600 009.

2.The State,  
Represented by its Inspector of Police,  
E-4, Abiramapuram Police Station,  
Chennai-600 018.  
(Crime No.425 of 2018)

3.The State,  
Represented by its Inspector of Police,  
E-2, Royapettah Police Station,  
Chennai-600 014.  
(Crime No.240 of 2018)

4.K.A.Paarthiban

5.The Branch Manager,  
South Indian Bank Limited,  
Nungambakkam Branch,  
No.1, Sterling Road,  
Nungambakkam,  
Chennai-600 034.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to call for records on the file of 2nd respondent pertaining to Crime No.425 of 2018 dated on 6th July 2018 under Sections 447,342,294(b),386,506(1)IPC before the E4 Abiramapuram Police Station and 3rd respondent pertaining to Crime No.240 of 2018 dated on 27th September 2018 under Sections 406,420,465,468,471 IPC before the E2 Royapettah Police Station respectively, to withdraw from prosecution based on the Petitioner's representation dated 24.04.2019.

For Petitioner : M.P.Ayyaswamy

For Respondents: Mr.M.Mohamed Riyaz  
Additional Public Prosecutor for R1-R3  
Mr.I.John Arockiadas for R4

ORDER

The relief as sought for by the petitioner cannot be granted by this Court. Earlier the petitioner had filed a petition before this court questioning the FIR registered by the respondent Police in Crime No.425 of 2018. This Court after elaborately hearing the counsel on either side and after going through the documents was pleased to dismissed the petition by an order dated 06.12.2018. It is reported that this order has also been confirmed by the Hon'ble Supreme Court.

2. The petitioner now wants a direction to the first respondent to dispose of his representation which has been given by the petitioner requesting the first respondent to withdraw the prosecution against the petitioner in Crime No. 425 of 2018. Admittedly in this case the investigation is still pending.

3. In view of the order passed by this Court in CrI.O.P.Nos.24434 and 24437 of 2018 dated 06.12.2018, the first respondent cannot pass any order contrary to the same. The Petitioner has to necessarily await the completion of the investigation.

4. In such view of the matter, this Writ Petition is dismissed and there shall be a direction to the Deputy Commissioner, Mylapore to monitor the investigation conducted by the second respondent who shall expedite the process and final report shall be filed within a period of six months from the date of receipt of copy of the order. No cost. Consequently, connected Writ Miscellaneous Petition is closed.

सत्यमेव जयते  
Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Home Secretary,  
Home, Prohibition & Excise Department,  
Secretariat, Namakkal Kavignar Maaligai,  
2nd Floor, Main Building, Rajaji Road,  
Fort St.George, Chennai-600 009.

2.The Deputy Commissioner,  
Mylapore.

3.The Inspector of Police,  
E-4, Abiramapuram Police Station,  
Chennai-600 018.  
(Crime No.425 of 2018)

4.The Inspector of Police,  
E-2, Royapettah Police Station,  
Chennai-600 014.  
(Crime No.240 of 2018)

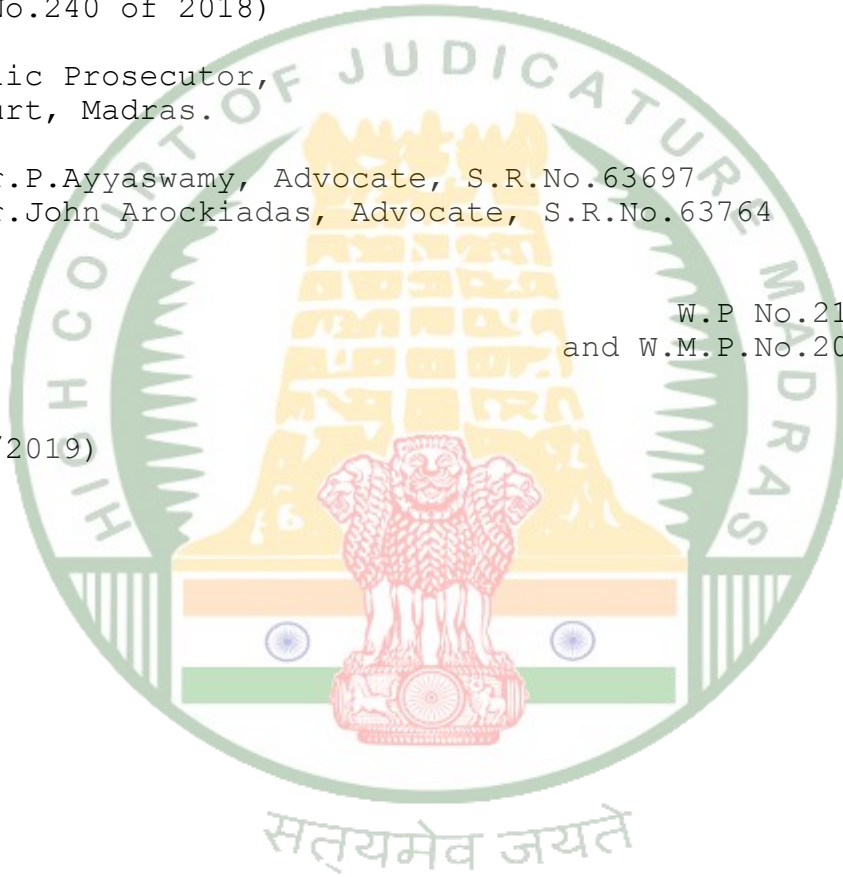
5.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.P.Ayyaswamy, Advocate, S.R.No.63697  
+1cc to Mr.John Arockiadas, Advocate, S.R.No.63764

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VG I (CO)

RRS (19/08/2019)



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