

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.OP.No.20355 OF 2019

and

CRL.MP.Nos.10468 & 10470 OF 2019

V.Anbazhagan

...Petitioner

Vs

1.The Assistant Commissioner of Police,
Tambaram Police Station,
Tambaram, Chennai 600 045.

2.The State Rep. by
The Inspector of Police,
Tambaram Police Station,
Chennai-600 045.
(Crime No.838/2017)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the summon issued to the petitioner herein in S.C.No.154 of 2018 on the file of the learned Principal Sessions Court, Chengalpattu and quash the same.

For Petitioner : Mr.S.Kumaradevan

For Respondents 1-2 : Mr.C.Iyyapparaj
Additional Public Prosecutor.

O R D E R

The impugned summon has been issued under Section 61 of Cr.P.C. calling upon the petitioner to answer the charges under the provisions of SC/ST Act.

2.It is submitted by the learned counsel for the petitioner that the original complaint against the petitioner which was registered in FIR No.820 of 2017 and 838 of 2017 was challenged before this Court and this Court by order dated 19.02.2018 and 20.02.2018 passed in CrI.O.P.No.4801 of 2018 and CrI.O.P.No.4918

of 2018 respectively, has stayed further investigation in both these FIRs.

3.The learned Additional Public Prosecutor would submit that the orders of interim stay dated 19.02.2018 & 20.02.2018 were not brought to the notice of the Inspector of Police which permitted him to file a final report, pursuant to which, the learned Principal Sessions Court, Chengalpattu had issued summons.

4. Though the police was also represented by the learned Additional Public Prosecutor at the time of granting of stay before this Court, by accepting the plea of the learned Additional Public Prosecutor that the stay orders were unnoticed due to inadvertence, this Court is inclined not to take any further action of such inadvertence on the part of the Inspector of Police.

5. It is not in dispute that the interim order of stay is still in force, as such, the present impugned summons cannot be sustained.

6. In the light of the above observations, the impugned summon on the file of the learned Principal Sessions Court, Chengalpattu is quashed.

7.Accordingly, this criminal original petition is allowed. Consequently, connected civil miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

bkn/ssr

To

1. The Principal Sessions Judge,
Chengalpattu
- 2 The Assistant Commissioner of Police,
Tambaram Police Station,
Tambaram, Chennai 600 045.
- 3.The Inspector of Police,
Tambaram Police Station,
Chennai-600 045.

4.The Additional Public Prosecutor,
Madras High Court.

+1cc to Mr.S.Kumaradevan, Advocate SR.No.79645

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GMV (24/09/2019)



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