

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 3501 of 2017
and Crl.M.P.No. 2530 of 2017

Albin

.. Petitioner

Vs

1. State by Inspector of Police,
M-5, Ennore Police Station,
Chennai.

2. Rajasekar

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.1973 of 2016 on the file of the 1st respondent and quash the same as far as against the petitioner is concerned.

For Petitioner : Mr.N.Umapathi

For R1

: Mr.M.Mohammed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.1973 of 2016 on the file of the 1st respondent and quash the same as far as against the petitioner is concerned.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

3. It is seen that the 2nd respondent filed affidavit an before the learned Judicial Magistrate Court, Thiruvottiyur in C.M.P. No.5351 of 2016, stating that the 2nd respondent never lodged any complaint as against the petitioner as alleged by the prosecution. Considering the affidavit by the defacto complainant, the learned Judicial Magistrate Court, Thiruvottiyur granted bail to the petitioner in C.M.P. No.5351 of 2016. The relevant portion of the order is extracted hereunder:

"The defacto complainant Mr.Rajasekar was present before this Court and represented by Advocate Mr.S.Sakthivelan and filed an affidavit stating that he has not lodged any complaint before the Ennore Police on 18.11.2016. He went to police station on 01.11.2016 along with his friend for enquiring the passport particulars of his friend and on that day the police had obtained his signature in the blank paper under the pretext of witness statement and the same has been misused and he does not lodged any complaint against the petitioner/accused and he doe not have any objection to release the accused."

4. The learned Additional Public Prosecutor submitted that the 2nd respondent did not pursue the complaint and it is pending for investigation. Therefore, the pendency of the FIR could not serve any purpose to meet the end of the justice by this Court.

5. In view of the above, the proceedings in Crime No.1973 of 2016, on the file the Inspector of Police, M-5, Ennore Police Station, Chennai is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

ssr

To

1. TheInspector of Police,
M-5, Ennore Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Annamma, Advocate, S.R.No. 28788

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SSD(CO)
GN(23/04/2019)