



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.825 of 2017

and

W.M.P.Nos.853 and 854 of 2017

1.J.Ramalingam
2.J.Mayavan
3.M.Ramesh

...Petitioners

Vs

1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 001.

2.Mr.Govardhan

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the entire records culminated in the 2nd respondent's impugned Charge Sheet dated 29.10.2013, containing S.No.A.2451126 and quash the same, consequently direct the 1st respondent to register the FIR against the 2nd respondent for filing the fake charge sheet, investigate and file a report before this Hon'ble Court.

For Petitioners : Mr.R.Prabhakaran

For Respondents : Mr.C.Iyyapparaj,
Additional Public Prosecutor for R1

O R D E R

Under the Police Standing Order 566, whenever the Investigation Officer chooses to file a chargesheet in both the case and the counter case, two main ingredients are required. Firstly, the details of the injuries sustained by the counter complainant and the opinion of the public prosecutor is mandatorily required to be obtained. In the instant case, both these necessary ingredients have not been obtained. As such, the framing of the charges itself is in violation of the legal procedures contemplated and hence, cannot be sustained. On this ground, the impugned Charge Sheet dated 29.10.2013, containing



S.No.A.2451126 is quashed. In so far as the request in the prayer seeking for disciplinary action is concerned, the petitioner shall work out his remedy in any other manner known to law.

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2.The Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

tsg

To

1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 001.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Prabhakaran, Advocate SR.No.100471

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GMV (16/12/2019)