

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22768 of 2018
and Crl.M.P.No.3544 of 2019
& Crl.M.P.No.12679 of 2018

1. N.Balaji

... Petitioner

Vs.

1. State, rep. by
Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.

2. Mahaveerchand Kicha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.357 of 2018 on the file of the Inspector of Police, T-10, Thirumullaivoyal Police Station, Chennai - 600 062 and quash the FIR.

For Petitioner : Mr.M.Aravind Subramaniam

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : No Appearance

O R D E R

This petition has been filed to call for the records in Crime No.357 of 2018 on the file of the Inspector of Police, T-10, Thirumullaivoyal Police Station, Chennai - 600 062 and quash the FIR.

2. It is seen that the petitioner is not a named accused in the FIR in Crime No.357 of 2018. The learned counsel for the petitioner would submit that the petitioner is a son of the named accused viz., Nagaraj, the FIR being registered as against the said Nagaraj and others. He also submitted that in the year 2015 itself, the petitioner filed a suit in O.S.No.504 of 2014

on the file of the learned Judicial Magistrate, Ambattur and it is pending. Infact, in the said suit, the defacto complainant was set ex-parte.

3. Considering the facts and circumstances of the case, the petitioner is directed to appear before the 1st respondent and produce all the materials to show that already a civil suit filed by the petitioner is pending against the defacto complainant. On such appearance, the 1st respondent is directed to peruse the materials produced by the petitioner, complete the investigation and file a final report in respect of Crime No.357 of 2018 within a period of three months from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Aravind Subramaniam, Advocate sr 39285.

+1 CC to Mr.J.Arochia Selvaraj, Advocate sr 39053.

Cr1.O.P.No.22768 of 2018
and Cr1.M.P.No.3544 of 2019
& Cr1.M.P.No.12679 of 2018

PPA (CO)
SP(14/05/2019)

WEB COPY