



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.9435 of 2019

L.Pandian

... Petitioner

Vs.

1.The Commissioner of Police
Madurai City.

2.The Assistant Commissioner Of Police, (Crimes),
Madurai City.

3.The Inspector of Police
Subramaniapuram Police Station,
Madurai City.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified mandamus, calling for the entire records pertaining to the impugned communication made by the third respondent received by the petitioner on 10.04.2019 and set aside the same in so far as his decision of removing an accused and deleting the major penal provisions from the F.I.R. in Crime No.432 of 2015 pending on his file and direct the first respondent to entrust the investigation to the file of the second respondent for the purpose of proceeding further and to file the final report.

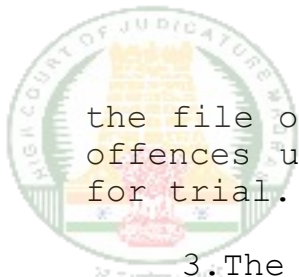
For Petitioner : Mr.R.Anand

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed to call for the entire records pertaining to the impugned communication made by the third respondent received by the petitioner on 10.04.2019 and set aside the same insofar as his decision of removing an accused and deleting the major penal provisions from the F.I.R. in Crime No.432 of 2015 pending on his file and direct the first respondent to entrust the investigation to the file of the second respondent for the purpose of proceeding further and to file the final report.

2.The learned Additional Public Prosecutor submitted that on the complaint made by the petitioner, the third respondent completed the investigation in Crime No.432 of 2015 and filed the final report and the same has been taken cognizance in C.C.No.1024 of 2019, on



the file of the learned Judicial Magistrate No.IV, Madurai, for the offences under Sections 294(b) and 506(i) I.P.C and it is pending for trial.

3.The learned counsel for the petitioner submitted that initially the case has been registered for the offences under Sections 294(b), 420, 465, 468, 506(i) I.P.C. and thereafter, without any reason, the third respondent mechanically deleted those offences, (Sections 420, 465, 468 I.P.C) and also without implead the main accused person, filed the final report. Hence, he filed this petition.

4.Heard both sides.

5.Considering the above facts and circumstances, now the trial Court has taken cognizance in C.C.No.1024 of 2019. Therefore, the crime cannot be set aside. However, the petitioner is at liberty to invoke Sections 216 and 319 of Cr.P.C before the trial Court, if any incriminating evidence to attract the offences as against the accused person during the trial.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

- 1.The Commissioner of Police
Madurai City.
- 2.The Assistant Commissioner Of Police, (Crimes),
Madurai City.
- 3.The Inspector of Police
Subramaniapuram Police Station,
Madurai City.
- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

Copy to

The Judicial Magistrate No.IV,
Madurai.

W.P. (MD)No.9435 of 2019

18.10.2019

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