

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.No.2157 of 2020
and
CrI.M.P.No.1326 of 2020

1. K.Veeramani

2. V.Bhuvaneshwari

3. K.Padhma

...Petitioners/ Accused 1&2

-Vs-

1. Union Territory of Puducherry

Rep by

The Superintendent of Police,
Mettupalayam Police Station,
Puducherry.

... Respondent/Dejure Complainant

2. Krishnaveni

... Respondent/ defacto Complainant

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to impugned F.I.R registered in Cr.No.96/2019 dated 26.10.2019 on the file of the 1st respondent namely the Sub-Inspector of Police, Mettupalayam Police Station, Mettupalayam, Puducherry and quash all further proceedings.

For Petitioners: Mr.Prakash Adiapadam

For RR1

: Mr.V.Balamurugane

Additional Public Prosecutor
Pondicherry.

ORDER

This Criminal Original Petition has been filed to call for the records relating to impugned F.I.R registered in Cr.No.96/2019 dated 26.10.2019 on the file of the 1st respondent namely the Sub-Inspector of Police, Mettupalayam Police Station, Mettupalayam, Puducherry and quash all further proceedings.

2. The learned counsel for the petitioners has submitted that the second respondent has encroached the Government land

and with regard to the same, the first petitioner has already sent a complaint to the District Collector of Puducherry and based on the same, eviction order was passed on 05.12.2018 and even thereafter also, the second respondent proceeding with the construction work, hence F.I.R was registered against the second respondent. Subsequently, another F.I.R. also registered against the second respondent. The Police, without taking into consideration of the aforesaid facts, registered the F.I.R in Crime No.96 of 2019 against the petitioners herein under sections 323, 354 and R/w 34 of I.P.C.

3. The learned Additional Public Prosecutor appearing for the first respondent has submitted that already investigation has been completed and charge sheet also filed before the Judicial Magistrate No.IV, Pudhucherry vide in C.S.No.57 of 2019 on 13.12.2019.

4. Considering the fact that charge sheet was already filed, this petition has become infructuous. Accordingly, this Criminal Original Petition is disposed of, with liberty to file a fresh petition to quash the charge sheet. The Judicial Magistrate No.IV, Pudhcherry is directed that if any such charge sheet is filed and if it is otherwise in order, that should be taken on file without any further delay. Consequently, connected miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mfa
To

1.The Judicial Magistrate No.IV, Pudhucherry.

2. The Sub Inspector of Police,
Union Territory of Puducherry,
Mettupalayam Police Station,
Puducherry.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Prakash Adiapadam , Advocate SR.No. 8438

+1 cc to Government Pleader(Pondy) Sr.No. 8774

Cr1.O.P.No.2157 of 2020
and

Cr1.M.P.No.1326 of 2020

A.SK(05/02/2020)

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