

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2881 of 2020
and Crl.M.P.No.1744 of 2020

H.Sridharan alias H.Sridhar (M/35)
Son of Mr.S.Hariharan
No.104/38, T.S.V Koil Street
Mylapore
Chennai-600 004.Petitioner

Vs

- 1.The State
Rep. by Inspector of Police
E-1, Mylapore Police Station
Mylapore, Chennai-600 004.
- 2.B.Rajaraman
Son of Late Mr. T.K.Balasubramanian
Murali Anand Building, 2nd Floor
Flat No.S-10, Door No.65/6,
Alamelumangapuram
Mylapore, Chennai-600 004. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records pertaining to the FIR No.171 of 2019 on the file of the Inspector of Police, E1, Mylapore Police Station, Chennai-600 004 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.Ravikumar Jambunath
Senior Counsel
For M/s.Thanu Madhan N.S.

For Respondents : Mr.S.Karthikeyan for R1
Additional Public Prosecutor
No Appearance for R2

ORDER

This petition has been filed to quash the F.I.R. in Crime No.171 of 2019 registered by the first respondent police under Section 145 of Cr.P.C, as against the petitioner.

2. In respect of Crime No.171 of 2019, the 1st respondent has registered a case under Section 145 of Cr.P.C.

3. The learned Counsel appearing for the petitioner would submit that so far FIR has not been sent to the Executive Magistrate for conducting the enquiry.

4. Therefore, on this ground FIR cannot be quashed as per the judgment reported in CrI.A.No.255 of 2019 dated 12.02.2019 in the case of Sau. Kamal Shivaji Pokarnekar vs. the State of Maharashtra & ors.,

5. The learned Additional Public Prosecutor would submit that after registration of FIR in Crime No.171 of 2019, FIR has been sent to the concerned Tahsildar, Mylapore for initiation of proceedings under Section 145 of Cr.P.C.

6. Considering the above submission, the Tahsildar, Mylapore, Chennai, is directed to initiate proceedings under Section 145 of Cr.P.C after issuing notice to the parties concerned and conduct enquiry and complete the same within a period twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
E-1, Mylapore Police Station
Mylapore, Chennai-600 004.

2.The Tahsildar,
Mylapore
Chennai.

+1 cc to Mr.N.S.Thanu Madhan, Advocate,sr.25883.

Mp(co)
krd 24/8

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