

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.M.P.No.4697 of 2019
in Crl.O.P.No.17735 of 2014

S.Loganathan

... Petitioner

-vs-

State Rep. by
The Inspector of Police,
District Crime Branch,
Perambalur District.
(Crime No.3/2011)

... Respondent

Prayer: Criminal Miscellaneous petition is filed under Section 340 of CrPc read with Section 195 of CrPc, (i) to initiate inquiry into the allegations made against the respondent (ii) The Hon'ble Court in due exercise of powers contained in Section 340 r/w 195 of CrPc, 1973, be caused to make a complaint in writing; and caused to send it to a Magistrate of the first class having jurisdiction, against the respondent herein; (iii) In the alternative of Clause (II) above, the Hon'ble Court may be pleased to take reference and the Hon'ble High Court may initiate Contempt proceedings against the respondent herein. (iv) Any other and such further relief as the circumstances deem fit and proper be granted.

For Petitioner : No Appearance

For Respondent : Mr.C.Iyyaparaj
Additional Public Prosecutor

ORDER

The petitioner has filed quash petition before this Court to call for the records in connection with Crime No.3 of 2011 on the file of the 1st respondent. This Court, by an order dated 05.12.2018 closed the quash petition on the ground that subsequently a charge sheet was filed and the same was taken as C.C.No.102 of 2018 and trial was commenced. Recording the same, this Criminal Original Petition was closed. The party in person filed at C.C.No.102 of 2018 not related to Crime No.3 of 2011 and filed this Criminal Miscellaneous Petition to initiate inquiry into the allegations made against the respondent / The

Inspector of Police, District Crime Branch, Perambalur District. In due exercise of powers contained in Section 340 r/w 195 of CrPC, 1973, be caused to make a complaint in writing; the substance of Miscellaneous Petition, the respondent police made a wrong representation before this Court as if that inquiry was conducted and the C.C. number was assigned by the trial Court. Hence, this Court ordered notice to respondent and on receipt of the notice, Mr.C.Iyyaparaj, learned Addl.Public Prosecutor entered appearance for the respondent and would submit that though the petitioner filed a petition to quash the FIR before this Court, however, the learned Additional Public Prosecutor who appeared in the case had inadvertently reported that C.C.No.102 of 2018 instead of correct C.C.No. 72 of 2019. The said mistake was happened only bonafide intention. There is no ulterior motive against the petitioner. Hence, this Court may correct the above said C.C. number and issue fresh order copy. Further, the learned Additional Public Prosecutor would submit that except this case, no other case is pending against the petitioner.

2. Recording the same, this petition is disposed of. Registry is directed to issue fresh order copy by incorporating C.C.No.72 of 2019 in place of C.C.No.102 of 2018.

3. The petitioner alleged that respondent police registered another case in FIR No.48 of 2011 it is pending. However, on verification it is represented that no such crime was registered by the law enforcing agency.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
District Crime Branch,
Perambalur District.

2.The Public Prosecutor,
High Court, Madras.

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srg 01/06/2020