

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.22580 of 2014
and M.P.No.1 of 2014

Heerachand Surana
S/o.Vijayraj Surana
Proprietor
M/s.Surana Real Builders

..Petitioner

Vs

1.The Inspector of Police
Muthiyalpet Police Station
Pondicherry

2.B.Vivek

..Respondents

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records relating to FIR in Crime No.17 of 2013 dated 24.01.2013 on the file of Station House Officer, Muthayalpet Police Station, Pondicherry, and quash the same.

For Petitioner : Ms.Vedavalli Kumar

For Respondents : Mr.Bharathachakravarthy
Public Prosecutor (Pondy) for R1

Mr.T.M.Naveen for R2.

ORDER

The 1st respondent Police registered a case against the petitioner, based on the complaint given by the 2nd respondent. The 1st respondent taken the complaint on file in FIR No.17 of 2013. During the investigation, the accused has approached this court seeking to invoke Section 482 Cr.P.C., to quash the FIR in Crime No.17 of 2013 dated 24.01.2013, on the file of 1st respondent Police.

2. When the matter came up before this court on 06.02.2020, this court directed the learned Public Prosecutor, Pondicherry, to verify and ascertain the stage of the C.C., since it is

reported that the investigation has been completed and C.C., also taken on file. Accordingly, the matter is posted today.

3. The learned Public Prosecutor (Pondicherry), submits that the Magistrate, after taking cognizance of the complaint, charge sheet has been filed in C.C.No.42 of 2017, issued summons to the petitioner herein/accused and await service of summons.

4. Since this petition is filed seeking to quash the FIR during the investigation, and now it is ascertained that investigation already completed and charge sheet also filed and taken on file in C.C.No.42 of 2017 and now pending before the Judicial Magistrate No.II, Pondicherry, this court finds no reason to quash the FIR in Crime No.17 of 2013. Therefore, in view of the change of circumstances, nothing survives for adjudication in this criminal original petition. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

5. Since this court is informed that C.C.No.42 of 2017 is posted on 18.03.2020, the petitioner is directed to appear before the learned Judicial Magistrate No.II, Pondicherry, on 18.03.2020. The learned counsel for the petitioner is directed to intimate the petitioner about the hearing date of C.C.No.42 of 2017 before Judicial Magistrate No.II, Pondicherry.

6. Since the matter is pending from 2013, Judicial Magistrate No.II, Pondicherry, is directed to dispose of C.C.No.42 of 2017, within three months from 18.03.2020.

Sd/-

Assistant Registrar (C.S.III)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.II, Pondicherry.

2.The Inspector of Police, Muthiyalpet Police Station
Pondicherry.

3.The Section Officer, Criminal Section, High Court, Madras

+1 cc to M/s.K.P.Jotheeswaran, Advocate Sr.No. 12505

+1 cc to The Public Prosecutor for Puducherry,
Advocate Sr.No.12207

AKM/09.03.2020/2P-6C /

CrI.O.P.No.22580 of 2014