

Crl.M.P.No. 7930 of 2020

and

Crl.R.C.No.1368 of 2018

G.CHANDRASEKHARAN,J.

This petition is filed for impleading the petitioner R.Gunaseelan as 3rd respondent in main Crl.R.C.No.1368 of 2018. The petitioner R.Gunaseelan is the defacto complainant in C.C.No.30 of 2014 on the file of the Cyber Crime Branch, Chennai. The main Crl.R.C.No.1368 of 2018 has been filed against the order passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.2017 of 2017 dated 28.09.2018 which was the protest petition filed by the defacto complainant against the final report filed in this case.

2. It is seen from the orders of the learned Judicial Magistrate that the protest petition filed by the defacto complainant as against the findings of the final report dated 15.11.2017 is maintainable. Prima facie case for taking cognizance made out as against A1 S. Jeyaprakash s/o M. Rajasekar and A2 S.M.Balaji s/o Subrramoniam Muthiah and the case was ordered to be taken on file U/s 506(1) and 507 of I.P.C and Section 66D of Information

Technology Act. Summons were ordered to A1 and A2. Against the said order the main criminal revision is filed.

3. It is brought to the notice of this Court by the learned counsel for the defacto complainant that S.M.Balaji and another filed Crl.O.P.Nos 26924 and 28725 of 2018 for quashing the summons issued to A1 and A2. After elaborately considering the matter and issue involved in this case, this Court held that:

In the result, these criminal original petitions are dismissed as being devoid of merits. The order of interim stay already granted by this Court vide order dated 20.11.2018 and 10.11.2018 in Crl.M.P.Nos. 15540 & 16774 of 2018, respectively, shall stand vacated. It is made clear that whatever is stated above is only for the limited purpose of deciding these criminal original petitions and the trial Court shall proceed with the case in accordance with law unmindful of this order. Jeyapragash (A1)

*and Dr. Balaji(A2) are directed to appear before the
XI Metropolitan Magistrate Court, Chennai, on at
10.30 a.m on 02.11.2020.*

4. It is seen from this order that criminal original petitions were dismissed and A1, A2 were directed to appear before the XI Metropolitan Magistrate Court, Chennai at 10:30 a.m on 02.11.2020. That being the case, this Court is of the considered view that the presence of the defacto complainant Dr.R.Gunaseelan is necessary for giving proper adjudication in Crl.R.C.No.1368 of 2018. In this view of the matter, this petition is allowed. Implead Dr.R.Gunaseelan as 3rd respondent in the main Crl.R.C.No.1368 of 2018.

Post the matter for final hearing on 05.01.2020.

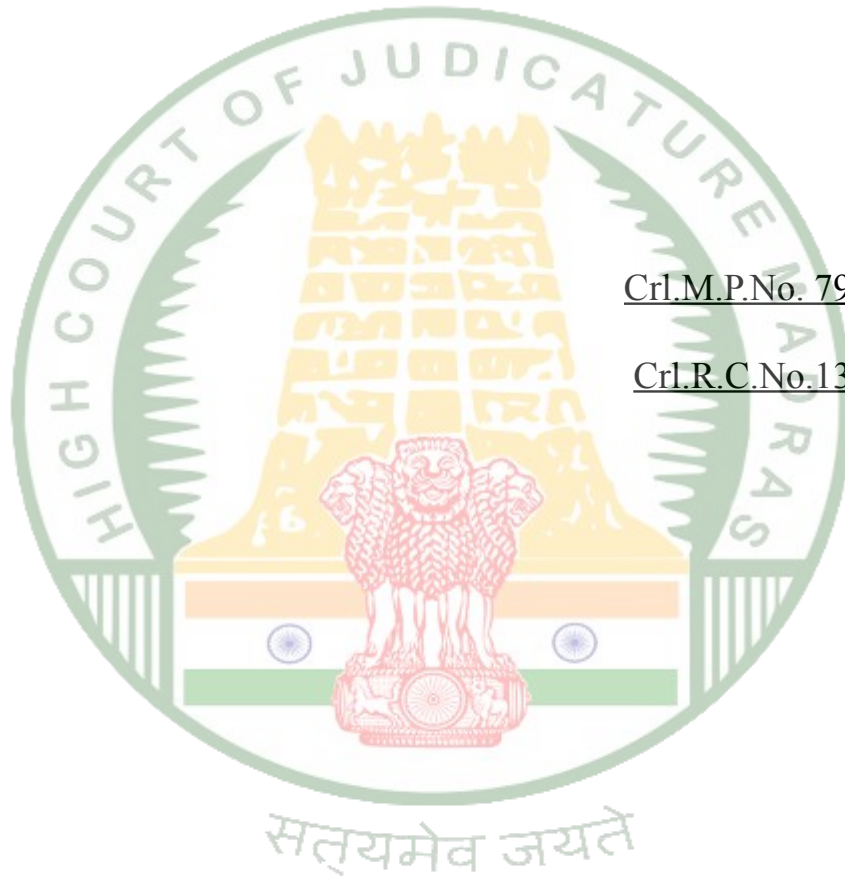
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