

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.29719 of 2019 and
Crl.M.P.Nos.16016 & 16017 of 2019

K.Kumar ... Petitioner/Accused -2

Vs.

State by Inspector of Police,
CBI, ACB,
Chennai.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in C.C.No.5 of 2019 on the file of the XIV Additional Special Judge for CBI Cases, Chennai as regards the petitioner/Accused-2.

For Petitioner : Mr.R.Shanmughasundaram SC for
Mr.K.Ravi Anantha Padmanaban

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.5 of 2019, pending on the file of the XIV Additional Special Judge for CBI Cases, Chennai.

2.The learned senior counsel for the petitioner submitted that earlier the petitioner filed a discharge petition before the trial Court in Crl.M.P.No.5616 of 2019 in C.C.No.5 of 2019. Since it was taking some time for discharge to be decided by the learned trial Judge and the petitioner, who is an Employee of Chennai Port Trust, in anticipation of promotion, he was advised to withdraw the discharge petition and to file a quash petition before this Court. Hence, the petitioner has withdrawn the discharge petition and filed the present quash petition.

3.The learned senior counsel for the petitioner further submitted that the co-accused, in this case, now filed discharge

petitions before the trial Court. Hence, this petitioner to file a discharge petition to putforth the case and the trial Court can have a holistic view of the role of each of the accused. In view of the same, the learned counsel for the petitioner seeks permission of this Court to withdraw the petition with liberty to file a discharge petition before the trial Court.

4.The learned Special Public Prosecutor appearing for the respondent submitted that he has no objection for withdrawal of the petition. The only concern is that by filing a discharge petition, further delay would be caused. Hence, the petitioner to immediately file a discharge petition and no further delay to be caused.

5.In view of the submission made by the learned senior counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vv2

To

1.The XIV Additional Special Judge for CBI Cases,
Chennai.

2.The Inspector of Police,
CBI, ACB,
Chennai.

3.The Special Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate Sr.30713

Cr1.O.P.No.29719 of 2019

pvs[col]
srg 23/10/2020