

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.22451 of 2012

Anitha
W/o.Amuthasekaran ...Petitioner

Vs.

1.Inspector of Police
Rajamangalam P.S.
Villivakkam
Chennai

2.The Commissioner of Police
Greater Chennai
Egmore, Chennai-8 ...Respondent / De-Jure
complainant

3.K.Balakrishnan
S/o.AKathamuthu ...Respondent / Accused

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to quash all further proceedings in C.C.No.4645/2011 pending on the learned X Metropolitan Magistrate Court, Egmore, Chennai and consequently order for further investigation under Section 173(8) of Cr.P.C. by any other competent police agency in Crime No.108/2011 on the file of the respondent police by directing the transferee police agency to a file petition under Section 173(8) Cr.P.C. before the Jurisdictional Magistrate for an unbiased and free investigation.

For Petitioner : Mr.T.Jaishankar (NA)

For Respondents-1&2 : Mr.C.Iyyapa Raj
Additional Public Prosecutor

For Respondent-3 : Mr.Harinath

O R D E R

(The case has been heard through video conference)

This petition has been filed under Section 482 Cr.P.C.
by the petitioner/defacto complainant to quash all further

proceedings in C.C.No.4645/2011 pending on the file of the learned X Metropolitan Magistrate Court, Egmore, Chennai and consequently order for further investigation under Section 173(8) of Cr.P.C. in Crime No.108/2011 on the file of the Inspector of Police, Rajamangalam Police Station, Villivakkam, Chennai, to any other competent police agency to conduct further investigation in an unbiased and free manner.

2. When the matter was taken up for hearing on 19.01.2012, there was no representation for the petitioner. On that date, it was represented by the learned Counsel for the 3rd respondent/accused that the petition has been specifically filed by the petitioner /defacto complainant in order to harass the 3rd respondent by protracting the trial when the case was listed for trial. The learned Counsel for the 3rd respondent also submitted that the 3rd respondent is ready to get along with the trial in C.C.No.4645 of 2020.

3. It was submitted by the learned Additional Public Prosecutor representing the first and second respondent that the investigation in Crime No.108 of 2011 was done in a fair manner and they have filed the final report against the 3rd respondent/accused. It was submitted that if the petitioner/defacto complainant is aggrieved with the final report, he has to invoke appropriate procedure by filing proper application before the concerned Magistrate and the present petition before this Court seeking further investigation is not maintainable. He would submit that the prosecution is ready to get along with the trial.

4. Though the petition has been listed today under the caption "for dismissal", there is no representation for the petitioner.

5. Heard the learned Additional Public Prosecutor and Mr.Harinath, learned Counsel for the 3rd respondent and perused the materials on record.

6.The grounds raised in the petition do not make out a case for ordering further investigation. This Court is of the opinion that this petition has been filed only with the object of protracting the trial and causing harassment to the accused by the petitioner.

7. Therefore, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

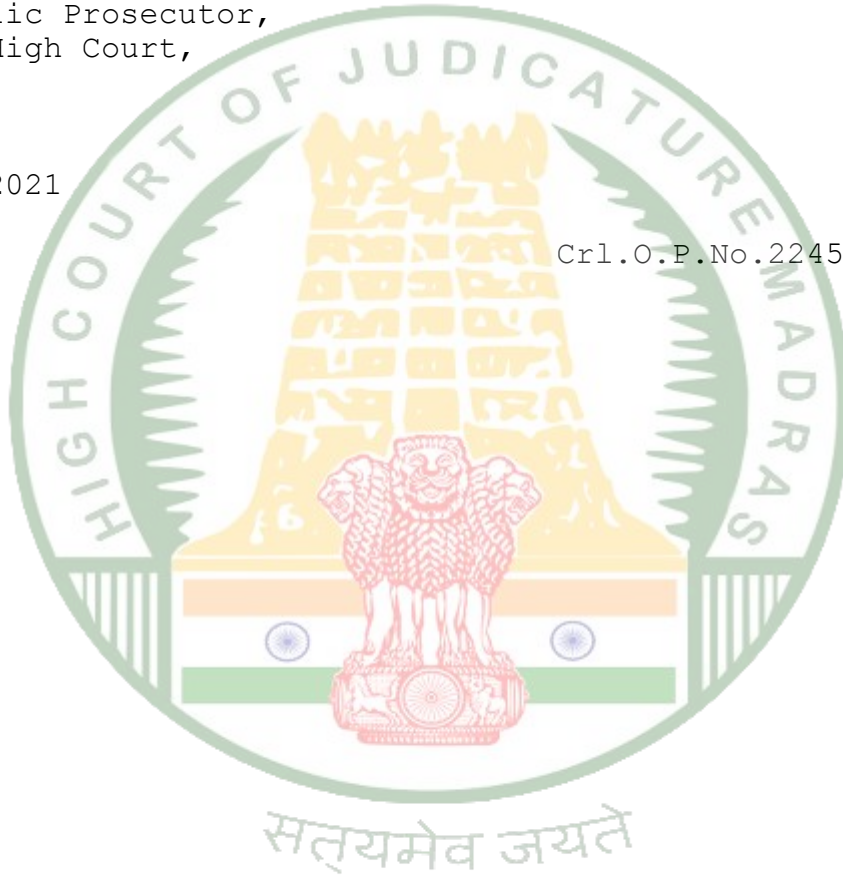
1.The Inspector of Police
Rajamangalam P.S.
Villivakkam
Chennai

2.The Commissioner of Police
Greater Chennai
Egmore, Chennai-8

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

PPA(CO)
SM/18/02/2021

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