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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.20244, 20245, 27240 and 27253 of 2015

A.Martin .. Petitioner/Defacto Complainant
(in all Crl.O.Ps)

Vs.

In Crl.O.P.Nos.20244 and 20245 of 2015

1.Radhika .. 1st Respondent/Accused

2.The Inspector of Police,
T-6, Avadi Police Station,
Neru Bazar, Avadi,
Chennai - 600054. .. 2nd Respondent/Complainant

In Crl.O.P.Nos.27240 and 27253 of 2015

1.The Inspector of Police,
T-6, Avadi Police Station,
Neru Bazar, Avadi,
Chennai - 600054.

2.The Dy. Commissioner of Police,
Old Municipality Building,
N.M.Road, Avadi, Chennai - 600054.

3.The Joint Commissioner of Police,
Ambattur Industrial Estate,
Ambattur, Chennai - 58.

4.The Commissioner of Police,
The Great Chennai City,
Egmore, Chennai.

5.The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore, Chennai - 600004. .. Respondents/Complainants

Prayer in Crl.O.P.No.20244 of 2015: Criminal Original Petition
filed under Section 482 Cr.P.C., to call for the records from



the second respondent from the second respondent and pass a direction order to the second respondent Police to file a charge sheet in F.I.R in Crime No.982 of 2012, dated 16.06.2012, pending on the file of the second respondent Police.

Prayer in Crl.O.P.No.20245 of 2015: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records from the second respondent from the second respondent and pass a direction order to the second respondent Police to file a charge sheet in F.I.R in Crime No.1400 of 2012, dated 16.06.2012, pending on the file of the second respondent Police.

Prayer in Crl.O.P.No.27240 of 2015: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records from the first respondent Police in F.I.R in Crime No.1400 of 2012 and direct the respondents to change the investigation agency from the first respondent Police to some other agency to file a charge sheet against the accused in F.I.R in Crime No.1400 of 2012.

Prayer in Crl.O.P.No.27253 of 2015: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records from the first respondent Police in F.I.R in Crime No.982 of 2012 and direct the respondents to change the investigation agency from the first respondent Police to some other agency to file a charge sheet against the accused in F.I.R in Crime No.982 of 2012.

For Petitioner : Mr.A.K.Martin
(in all Crl.O.Ps) (Party-in-Person)

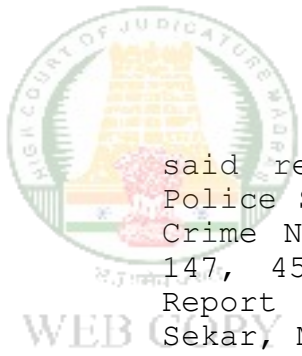
For R2 : Mr.E.Raj Thilak
(in Crl.O.Ps) Additional Public Prosecutor
No.20244/15 and 20245/15 and for
Respondents in Crl.OP.27240 and 27253/15

COMMON ORDER

Heard Mr.A.K.Martin, party-in-person, who is an Advocate and also Mr.E.Raj Thilak, learned Additional Public Prosecutor.

2. Perused the status report filed on behalf of the second respondent/the Inspector of Police, T-6, Avadi Police Station, Neru Bazar, Avadi, Chennai i.e., by R2 in Crl.O.P.Nos.20244 and 20245 of 2015/R1 in Crl.O.P.Nos.27240 and 27253 of 2015.

3. The petitioner appears to have the experience of being involved in lodging complaints and also in having complaints lodged against him. With respect to the complaint lodged by him, two First Information Reports had been registered by the



said respondent, namely the Inspector of Police, T-6, Avadi Police Station, Neru Bazar, Avadi, Chennai. The first one is in Crime No.982 of 2012, which had been registered under Sections 147, 454, 380, 506(i) of I.P.C. The said First Information Report had been lodged against seven accused, namely Rani, Sekar, Mathimalar, Mathirasu, Mani, Dharmalingam and Radhika.

4. In the status report, it had been stated that the investigating officer had filed a report before the jurisdictional Court closing the First Information Report as a mistake of fact. It is also stated that R.C.S notice had been served on 10.09.2015 to the present petitioner, A.Martin. Naturally, the petitioner has to take further steps in the manner known to law and this Court cannot pass any direction, since, entire steps should be taken, as envisaged in Code of Criminal Procedure.

5. In view of that particular fact, CrI.O.P.Nos.20244 and 27253 of 2015 are dismissed.

6. It is also seen that another First Information Report had been registered by the very same Inspector of Police, Avadi Police Station in Crime No.1400 of 2012, on a complaint given by the petitioner herein under Sections 147, 167, 209, 380, 423, 464, 468, 469, 506(ii) of I.P.C as against (i) Mani; (ii) Panneerselvam; (iii) Radhika; (iv) Kutty; (v) Rasu; (vi) Suresh; (vii) Mathimalar; (viii) C.Rani; (ix) C.Dhanasekaran; (x) Selvam and (xi) AITUC President, Dharmalingam.

7. In the status report, it had been stated that the investigation in the said First Information Report had been transferred to C.C.B Land Grabbing Cell, for further action. Since the investigation had, now, been transferred to the competent agency, no further orders can, now, be passed in the CrI.O.P.Nos.20245 and 27240 of 2015 and they are, both, dismissed.

8. However, I am compelled to point one further fact, namely in CrI.O.P.No.20245 of 2015, the petitioner herein had sought a string of reliefs and among them, is with respect to a First Information report, in which he is an accused in Crime No.1048 of 2012, which had been registered under Sections 294(b), 323, 506(i) of I.P.C and pending trial in C.C.No.90 of 2015 before the learned Judicial Magistrate No.II, Poonamallee.

9. It is stated that the petitioner herein had not appeared before the learned Judicial Magistrate No.II, Poonamallee in C.C.No.90 of 2015 and therefore, non-bailable warrant had been issued against the petitioner. A specific direction is given to the learned Judicial Magistrate No.II, Poonamallee to proceed



further with the said non-bailable warrant, particularly, because, the petitioner cannot appear before this Court as party-in-person and abstain from appearing before the Trial Court. If the petitioner is on bail, the learned Judicial Magistrate No.II, Poonamallee may exercise powers under Section 309 of I.P.C and revisit the said bail order and make it a condition that the petitioner should appear before the Court. If the petitioner appears before the Court, necessary bond, for continuous appearance before the trial proceedings, may be obtained from the petitioner. If the petitioner does not appear, directions may be given to execute the non-bailable warrant and if the petitioner does not execute a bond for continuous appearance before Court, then the learned Judicial Magistrate may proceed further in manner known to law.

10. With the above said observations, all the four present Criminal Original Petitions are dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

grs

To

- 1.The Judicial Magistrate No.II,
Poonamallee.
- 2.The Inspector of Police,
T-6, Avadi Police Station,
Neru Bazar, Avadi,
Chennai - 600054.
- 3.The Dy. Commissioner of Police,
Old Municipality Building,
N.M.Road, Avadi, Chennai - 600054.
- 4.The Joint Commissioner of Police,
Ambattur Industrial Estate,
Ambattur, Chennai - 58.
- 5.The Commissioner of Police,
The Great Chennai City,
Egmore, Chennai.



6.The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore, Chennai - 600004.

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