

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2258 of 2021
and
Crl.M.P.No.1240 of 2021

George David

.. Petitioner/Accused

Vs.

1. State rep by
Inspector of Police,
Erode North Police Station,
Erode District.
Crime No.75 of 2021 ...1st Respondent/Complainant
2. K.Senthilkumari ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crime No.75 of 2021 on the file of the 1st respondent Inspector of Police, Erode North Police Station, Erode District for the offence under section 420, 406, 509 & 506(i) of I.P.C and quash the same.

For Petitioner : Mr.V.Thillai Kumar

For Respondents : Mr. C.Raghavan
Government Advocate

ORDER

This Criminal Original petition has been filed to quash the FIR in Crime No.75 of 2021, pending investigation on the file of the 1st respondent.

2. The grievance of the petitioner is that the 2nd respondent had earlier given a complaint before the District Crime Branch, Thanjavur and an FIR was registered in Crime No.7 of 2020 on 05.07.2020. For the same set of facts, one other complaint was also given before the 1st respondent without revealing the earlier complaint and the 1st respondent has registered an FIR in Crime No.75 of 2021. In view of the same, the present petition has been filed before this Court to quash the FIR in Crime No.75 of 2021.

2. The learned Additional Public Prosecutor on instructions submitted that the substantive investigation is now conducted in Crime No.7 of 2020 and the present FIR in Crime No.75 of 2021 can also be transferred to the District Crime Branch, Thanjavur, so that the same police can investigate the case.

3. Taking into consideration the facts and circumstances of the case and the submissions of the learned Additional Public Prosecutor, there shall be a direction to the 1st respondent to immediately transfer the case diary in Crime No.75 of 2021 to the District Crime Branch, Thanjavur. On receipt of the case diary, if the District crime branch, Thanjavur, finds that the 2nd complaint can be tagged along with the pending FIR in Crime No.7 of 2020 the same shall be done and it can be investigated. If there are new facts mentioned in the 2nd complaint, the same can also be taken into consideration by the District Crime Branch, Thanjavur, during the course of investigation.

4. This Criminal Original petition is disposed of accordingly. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1. Inspector of Police,
Erode North Police Station,
Erode District.

2. The District Crime-Branch,
Thanjavur.

3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.2258 of 2021
and
CrI.M.P.No.1240 of 2021

RSI (CO)
CB(21/06/2021)