



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.13063 OF 2021

1.Sandeepkumar
2.Saran Kumar

... Petitioners

Versus

1. The State represented by,
Inspector of Police,
N-4 Fishing Hourbour L&O Police Station,
New Washermenpet,
Chennai - 600 081.

2. Pushparaj
3. Nagalingam

... Respondents

[R3 Suo-Motu Impleaded as per order in Crl.O.P.No.13063 of 2021,
dated 01.12.2021.]

PRAYER: Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure, to call for the record in
C.C.No.2012 of 2017 on the file of Metropolitan Magistrate,
George Town, Chennai - 600 001, and quash the same.

For Petitioners : Mr.D.Sugumar

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the
proceedings in C.C.No.2012 of 2017, on the file of the
Metropolitan Magistrate Court, George Town, Chennai.

2.The only point focused by the learned counsel for the
petitioners is that in this case, the 2nd respondent is one
Pushparaj, who is said to have lodged a complaint on 20.06.2016



against the petitioners before the 1st respondent Police, for which, a case in Crime No.580 of 2016 was registered. After completion of investigation, charge sheet was filed before the learned Metropolitan Magistrate, George Town, Chennai and the same was taken on file as C.C.No.2012 of 2017. The learned counsel further submitted that the said Pushparaj/2nd respondent died on 06.04.2000 and his death has been registered with the Corporation of Chennai on 17.04.2000. In such circumstances, how the complaint could have been lodged in the name of the 2nd respondent in the year 2016. He further submitted that the 1st petitioner has filed a complaint before the 1st respondent Police against one Mr.Thomas, Inspector of Police, N-4 Crime Branch Police and Mr.Mani, Police Constable for their highhandedness and illegal activities. On the complaint, a case in Crime No.670 of 2016 was registered on 30.06.2016. To brook vengeance and counterblast, the petitioners had been implicated in the above case. Hence, the learned counsel for the petitioners prayed for quashing of the proceedings against the petitioners.

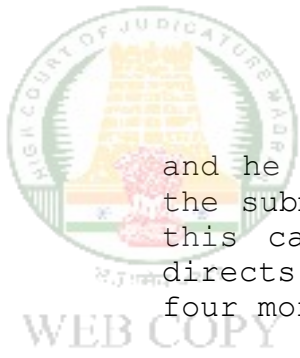
3.The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that the 3rd respondent is one Nagalingam, who is the brother of the 2nd respondent/Pushparaj. Interchangeably, the 3rd respondent/Nagalingam used to be called as Pushparaj. From the family card, it is seen that the respondents 2 and 3 are shown as brothers. The 3rd respondent has lodged a complaint against the petitioners claiming himself as Pushparaj. Hence, he prayed for dismissal of this petition.

4.This Court considered the rival submissions and perused the materials available on record.

5.This Court, by order, dated 01.12.2021, suo motu impleaded the said Nagalingam as 3rd respondent and directed him to appear before this Court. Today, the 3rd respondent Nagalingam has appeared before this Court and when he was enquired with regard to the above clarification, he stated that his brother name is Pushparaj and in certain places, he used to be called as Pushparaj and he confirmed that he has lodged a complaint before the 1st respondent Police claiming himself as Pushparaj.

6.The other points raised by the learned counsel for the petitioners are not sustainable to quash the proceedings against the petitioners and the same are to be decided only during trial and not in this petition. Hence this Court is not inclined to quash this Criminal Original Petition and the same is liable to be dismissed and, is dismissed.

7.The learned counsel for the petitioners submitted that the trial has been pending from the year 2017, without any progress



and he sought for direction to complete the trial. Considering the submission of the learned counsel for the petitioners and in this case, only ten witnesses are to be examined, this Court directs the trial Court to complete the trial within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate Court,
George Town, Chennai.
2. -do- through The Chief Metropolitan Magistrate,
Egmore, Chennai.
3. The Inspector of Police,
N-4 Fishing Hourbour L&O Police Station,
New Washermenpet,
Chennai - 600 081.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.D.Sugumar, Advocate, S.R.No.65120

CRL.O.P.No.13063 of 2021

KSM(CO)

RLP(10/01/2022)