



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.19693 of 2017
and Crl.M.P.No.11876 of 2017

Kathiresan

..Petitioner

Vs.

1.State Rep. by its
The Inspector of Police,
M-2, Madavaram Milk Colony Police Station,
Madavaram,
Thiruvallur District.
Crime No.913 of 2017

2.Nandini
WC-32607
Madavaram Milk Colony Police Station,
Madavaram,
Thiruvallur District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in Crime No.913 of 2017, on the file of the Inspector of Police, M-2, Madavaram Milk Colony Police Station, Madavaram, Tiruvallur District and quash the same.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.R.Kishore Kumar
Government Advocate(Crl.side) for R1

Notice sent and service awaited for R2

ORDER

This criminal Original Petition has been filed to call for the records in Crime No.913 of 2017, on the file of the Inspector of Police, M-2, Madavaram Milk Colony Police Station, Madavaram, Tiruvallur District and quash the same.

2. The main allegation in the complaint has been filed for violation of Human Rights of the Defacto Complainant.



3. The learned counsel for the petitioner submitted that the entire allegations are false and are purely motivated.

4. On perusal of the FIR, this Court is of the view that the allegations have to be probed into and it has to be investigated as to whether the complaint is a result of motivation or not and it cannot be concluded at this stage merely because the complaint is lodged against the members of the legal fraternity. The allegations that they were abused by the Police Officers, at this stage, cannot be taken as gospel truth, and they have to be investigated. Therefore, I do not find any merit at this stage to interfere with the FIR. The Police is directed to complete the investigation and file a final report fairly, if they find that there is no material is available to proceed against the petitioner, in all fairness, they should file a negative report.

5. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The Inspector of Police,
M-2, Madavaram Milk Colony Police Station,
Madavaram,
Thiruvallur District.
Crime No.913 of 2017

2.The Public Prosecutor,
High Court, Madras.

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AJS (CO)
SB(13/12/2021)