

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.29094 of 2017

And

Crl.M.P.No. 16430 of 2017

R.Gnanaprakasam

...Petitioner/Accused

Vs.

1. The Inspector of Police
E-4, Police Station
Abhiramapuram
Chennai - 600 018.

2. C.Saroja

...Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No. 497 of 2016 pending on the file of the Inspector of Police, E-4, Abhiramapuram Police Station, Chennai - 600 018 and quash the same.

For Petitioner	:	Mr.B.Harikrishnan
For 1 st Respondent	:	Mr.E.Raj Thilak
		Additional Public Prosecutor
For 2 nd Respondent	:	Mr. R.Rangarajan

ORDER

The present Petition has been filed to quash further investigation in Crime No. 497 of 2016 registered by E-4, Abhiramapuram Police Station, Chennai - 600 018, under Sections 294(b) and 506(i) IPC.

2. A memo had been filed by the learned counsel for the second respondent in which he had stated that consequent to investigation conducted, the first respondent had filed a final report which had been taken cognizance by the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai, on 28.07.2017 and assigned C.C.No. 5623 of 2017. It is therefore, contended by the learned counsel for the second respondent Mr. R.Rangarajan, the present petition has become infructuous.

3. This position is very seriously disputed by Mr.B.Harikrishnan, learned counsel for the petitioner who stated

that the petitioner can still maintain the present petition seeking to quash the First Information Report and also file an application to quash the final report. The learned counsel stated that the registration of the First Information Report can be termed as abuse of process and urged that the grounds stated herein can still be examined by the Court.

4. However, I would rather give liberty to the petitioner herein to file a fresh application to quash the final report if so advised and the same may be filed without prejudice to the rights of the petitioner to raise issues with respect to registration of the First Information Report by the first respondent and with respect to the allegations in the First Information Report.

5. The grounds raised in the present petition are not answered by me. This Criminal Original Petition is dismissed, however, as aforesaid granting liberty to the petitioner herein to file fresh application questioning the Final Report and which petition can be filed, if the petitioner is so advised, and also questioning the registration of the First Information Report itself and invite the Court hearing the said application to give a finding on both the grounds raised questioning the First Information Report and on the grounds raised questioning the final report. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsg
To

1. The Inspector of Police
E-4, Police Station
Abhiramapuram, Chennai - 600 018.
2. The Public Prosecutor,
High Court, Madras - 104.

+1cc to Mr.B.Harikrishnan, Advocate, S.R.No.52295

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NSK 28/10/2021