



Crl.O.P.No. 20029 of 2016

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Crl.O.P.No.20029 of 2016

V.BHARATHIDASAN, J.

Earlier, this Court by an order dated 01.02.2022 directed the 2nd respondent Inspector of Police, E1 Ponneri Police Station to investigate the cases in Crime Nos. 117 and 118 of 2016 and file a final report within a period of three months from the date of receipt of copy of the order.

2. Today, this matter has been listed under the caption “For Being Mentioned”, Mr.C.E.Pratap, learned Government Advocate (Criminal side) would submit that, since the offence involved under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, only the 1st respondent Deputy Superintendent of Police is competent to investigate the cases. Hence, the 1st respondent may be directed to investigate the cases and file a final report.



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3. Considering the submission, the relevant portion in para 6 of the order modified as follows :-

"6. Considering the above circumstances, without going into the merits of the case, the 1st respondent Deputy Superintendent of Police is directed to proceed with the investigation in both the cases, i.e. Crime Nos.117 and 118 of 2016 and file a final report within a period of 3 months from the date of receipt of copy of this order."

4. Registry is directed to incorporate above correction in the Order of this Court in Cr.O.P.No.20029 of 2016 dated 01.02.2022 and issue fresh order copy to both parties.

20.04.2022

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20.04.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM:

THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20029 of 2016

and

Crl.M.P.no.9370 of 2016 & 12905 of 2019

S. Sahadevan

... Petitioner

Versus

1. The State

rep. by its Deputy Superintendent of Police,
Ponneri, Tiruvallur District.

2. The State

rep. by Inspector of Police,
El Ponneri Police Station,
Ponneri, Tiruvallur District
Crime No.118 of 2016

3. D. Vignesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.118 of 2016 pending on the file of the respondent and quash the same.



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For Petitioners : Mr. J. Arul,
for M/s.S.Paul Gnanamuthu

For Respondents : Mr. C.E.Pratap,
Govt. Advocate(Crl.side)
for R1

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.118 of 2016 pending on the file of the 2nd respondent.

2. The learned counsel appearing for the petitioner submitted that it is a case in counter. Earlier, the petitioner has given a complaint against the defacto complainant herein and the same has been registered in Crime No.117 of 2016 for the alleged offences under Sections 294(b), 406, 420, 465 and 506(i) IPC. The present complaint has given as counter blast of the petitioner's complaint, and absolutely there is no truth in it and no prima facie case is made out and hence, the complaint is necessarily be quashed.



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3. The learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 submitted that it is a case in counter. Earlier, both the complaints have been registered as CSR, and enquiry has been conducted. Subsequently, based on the order passed by this Court, First Information Report had been registered. Now, the petitioner filed a petition to quash the complaint registered against him and also obtained an order of interim stay of all further proceedings. Hence, the respondent police is not in a position to proceed with the investigation.

4. This Court considered the rival submissions made on either side and perused the materials available on records carefully.

5. Admittedly, the occurrence took place in the year 2015 and it is a case in counter. In view of the interim stay granted by this Court, both the complaints could not be investigated by the respondent police and both are pending.



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6. Considering the above circumstances, without going into the merits of the case, the 2nd respondent is directed to proceed with the investigation in both the Cases, i.e., Crime Nos.117 & 118 of 2016 and file a final report within a period of 3 months from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

01.02.2022

Index: Yes/No
Internet: Yes/No
mrp

To

1. The Deputy Superintendent of Police,
Ponneri, Tiruvallur District.
2. The Inspector of Police,
E1 Ponneri Police Station,
Ponneri, Tiruvallur District
3. The Public Prosecutor,
High Court, Madras.



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01.02.2022