

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.Nos.476 & 1549 of 2016 and
Crl.O.P.Nos.10950 & 10951 of 2017 and
Crl.O.P.No.317 of 2015 and
M.P.No.1 of 2015

Crl.O.P.No.476 of 2016

M.MARIMUTHU

... PETITIONER

VS.

1.STATE BY INSPECTOR OF POLICE,
J-5, SASTRI NAGAR POLICE STATION
CHENNAI - 90.

2.K.THILAGAVATHY

... RESPONDENTS

PRAYER: To issue a direction directing the trial court to file a report as well as by the police stating that in compliance of the orders of the Supreme Court dated 13.10.2014 in Criminal Appeal NO.2187 of 2014, why the police has not secured the arrest of the 2nd respondent/3rd accused on her (2nd respondent) surrendering before the trial Court (IX Metropolitan Magistrate, Madras-15) on 31.12.2015, when the trial court by its order dated 31.12.2015 in Crl.M.P.No.3588 of 2015 recalled NBW issued against the 2nd respondent/3rd accused, even without notice to the police, and without hearing the police to put forth the present state of affairs and the order in Crl.O.P.No.23007 of 2015.

Crl.O.P.No. 1549 of 2016

M.MARIMUTHU

... PETITIONER

VS.

1.STATE BY INSPECTOR OF POLICE,
J-5, SASTRI NAGAR POLICE STATION
CHENNAI - 90.

2.K.THILAGAVATHY

... RESPONDENTS

PRAYER: To set aside the order of the 31.12.2015 passed in Crl.MP.3588/2015 in CC No.4048/2012 by the IX Metropolitan Magistrate Saidapet Madras - 15 without notice to the police

and contrary to the orders of the Honourable Supreme Court dated 13.10.2014 passed in Crl.Appeal No.2187/2014 thereby directing the trial court to pass suitable orders on the petition filed by police seeking to declare the absconding accused A3 and A4 as proclaimed offenders in C.C.No.4048 of 2012 pending on the file of the IX Metropolitan Magistrate Saidapet Chennai - 15.

Crl.O.P.No.10950 of 2017

M.MARIMUTHU

... PETITIONER

VS

1.THE COMMISSIONER OF POLICE
CHENNAI-7.

2.THE INSPECTOR OF POLICE
J-5 SASTRI NAGAR POLICE STATION
BESANT NAGAR CHENNAI-90.

... RESPONDENTS

Prayer: To direct the first respondent to initiate and launch prosecution against the concerned police officers u/s.217 & 218 IPC for not obeying the directions of the Honble Supreme Court issued in Criminal Appeal No.9309 of 2013 (order dt.13.10.2014) and the directions of this Honble Court issued in Crl.O.P.No.9464/2015 order dated 17.04.2015 solely with a view to save the accused from being punished by court of law and for creating incorrect public records in the matter of not securing the arrest of A-3 & A-4 at the time of their surrendering and in not making A4 to deposit his passport at the time of his surrendering on 14.11.2016 before the trial court.

Crl.O.P.No.10951 of 2017

THE YAMUNA HOMES FLAT OWNERS ASSOCIATION
PARAMESWARI NAGAR
4TH STREET ADYAR CHENNAI-600 020
BY MR.K.MAIYYAN-85.

... PETITIONER

VS

1.THE COMMISSIONER OF POLICE
VEPERY CHENNAI-600 007.

2.THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH TEAM IV EGMORE
CHENNAI-600008.

... RESPONDENTS

Prayer: To direct the 2nd respondent to file a final report in Cr.No.388 of 2007 dated 25.07.2007 as per the directions of the Honble High court Madras in Crl.OP.No.12550 of 2007 (order dt.24.07.2007) while at the same time directing the 1st respondent to initiate action against the all the concerned police officers being public servants u/s.217 & 218 IPC for disobeying the direction of law i.e. directions issued by this Honble Court in Crl.OP.No.12550 of 2007 and for protecting the interests of accused persons in Cr.No.388 of 2007.

Crl.O.P.No.317 of 2015

M.MARIMUTHU

... PETITIONER

VS

1.THE COMMISSIONER OF POLICE
EGMORE, CHENNAI.

2.THE DEPUTY COMMISSIONER OF POLICE
ADYAR, CHENNAI.

3.THE INSPECTOR OF POLICE
J-5 SASTRI NAGAR POLICE STATION, CHENNAI.

4.THILAGAVATHY

(IMPLEADED AS R4 AS PER THE ORDER
OF THIS COURT MADE IN CRL.M.P.NO.1/2015
IN CRL.O.P.NO.317/2015 DATED 27.04.2015) ... RESPONDENTS

Prayer: To direct the respondents police to obey and comply with the order of the Honble Supreme Court in Crl.A.No.2187 of 2014 (order dated 13.10.2014) so as to arrest A3 and A4 in connection with C.C.No.4048 of 2012 pending on the file of the Metropolitan Magistrate Saidapet Madras by considering the petitioners representation dated 25.11.2014.

For Petitioner (in All) : Mr.R.Shanmugam

For R1 in : Mr.C.E.Pratap
Crl.O.P.No.476/2016 Government Advocate (Crl.Side)
RR1 & 2 in Crl.O.P.No.10950/2017
RR1 to 3 in Crl.O.P.No.317/2015
R1 in Crl.O.P.No.1549/2016
RR1 & 2 in Crl.O.P.No.10951/2017

For R2 in : No appearance
Crl.O.P.No.476/2016

R4 in Crl.O.P.No.317/2015
R2 in Crl.O.P.No.1549/2016

C O M M O N O R D E R

This Criminal Original Petition has been filed to direct the trial Court to file a report as well as by the police stating that in compliance of the orders of the Supreme Court dated 13.10.2014 in Criminal Appeal NO.2187 of 2014, why the police has not secured the arrest of the 2nd respondent/3rd accused on her (2nd respondent) surrendering before the trial Court (IX Metropolitan Magistrate, Madras-15) on 31.12.2015, when the trial court by its dated 31.12.2015 in Crl.M.P.No.3588 of 2015 recalled NBW issued against the 2nd respondent/3rd accused, even without notice to the police, and without hearing the police to put forth the present state of affairs and the order in Crl.O.P.No.23007 of 2015 passed by this Court.

2. It is represented that the petitioner died.

3. Pursuant to the administrative instructions, the IX Metropolitan Magistrate, Saidapet has offered the remarks dated 11.04.2016 that he has followed the procedure prescribed for recalling the Non-Bailable Warrant in C.C.No.4048 of 2012.

4. Having satisfied with the reasons assigned by the learned IX Metropolitan Magistrate, I find that there is nothing on record to proceed with further. Accordingly, this Criminal Original Petition is closed.

Crl.O.P.No.10950 of 2017:-

The main C.C.No.4048 of 2012 has been quashed by an order dated 17.11.2021. This petition is filed to initiate Criminal proceedings against the investigation Officers. After perusing the order passed in the quash petition, there is nothing arises for consideration in the above Criminal Original Petition. Accordingly, this Criminal Original Petition is closed.

Crl.O.P.No.1549 of 2016:-

This petition is set to aside the order passed in recalling the N.B.W in Crl.M.P.No.3588 of 2015, the same also stands closed.

In view of the above order, the other Criminal Original Petition Nos.10951 of 2017 and 317 of 2015 are also closed. Consequently, connected M.P is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

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To

- 1.The Inspector of Police,
J-5, Sastri Nagar Police Station
Chennai - 90.
- 2.The Commissioner of Police,
Vepery, Chennai-7.
- 3.The Inspector of Police,
Central Crime Branch Team IV,
Egmore, Chennai - 600 008.
- 4.The Deputy Commissioner of Police,
Adyar, Chennai.
- 5.The Public Prosecutor,
High Court, Madras-600 104.

+2ccs to Mr.B.Ramprasad, Advocate SR. No. 33906

Crl.O.P.Nos.476 & 1549 of 2016 and
Crl.O.P.Nos.10950 & 10951 of 2017 and
Crl.O.P.No.317 of 2015 and
M.P.No.1 of 2015

EV (CO)
PR (17/06/2022)