

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.746 of 2022

V.Kanniappan

Versus

... Appellant

1. Ganesan
Now Sub Inspector of Police (L&O)
H4, Korukkupet Police Station,
Chennai - 21
2. N.Karunakaran,
Previously Inspector of Police (L&O),
N 1 Royapuram Police Station,
Through the Assistant Commissioner of Police,
N 1 Royapuram Police Station,
Chennai -13.
3. Smt. Amalarthinam,
Previously Inspector of Police (Crime),
N 1 Royapuram Police Station,
Through the Assistant Commissioner of Police,
N 1 Royapuram Police Station,
Chennai -13.
4. Smt. Indirani,
Inspector of Police (Crime),
N 1 Royapuram Police Station,
Chennai -13.

... Respondents

Prayer : Criminal Revision Petition filed u/s. 397 read with 401 of Cr.P.C to call for records in M.P.No.5939 of 2022 in Cr.No.234 of 2019 dated 29.04.2022 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai -1 and set aside the same.

For Appellant : Mr. J.Vaithyanathan
for Mr.R.C.Manoharan

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

JUDGMENT

This Criminal Revision is filed against the order in M.P.No.5939 of 2022 in Cr.No.234 of 2019 dated 29.04.2022 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai -1, in and by which, the petitioner's application seeking a direction to take action against the accused for the offence under Sections 166, 167, 199, 200, 201, 202 and 204 of IPC was refused by the trial Court.

2. The gist of the allegation is that the accused persons, who are the police officials at the time of investigation in a complaint given by the petitioner, have abused the official position and violated even the directions of the Court and as such committed the above offences.

3. The trial Court took into consideration of the case in Crime No. 234 of 2019 itself is pending and the respondents have completed the investigation and also filed the charge sheet and the case is pending as C.C.No.479 of 2022. These facts, which are now complained by the petitioner have to be gone in the trial of the said case and only during the course of the trial, if the commission of the offence by the respondent police is made out and then only decision can be taken. The trial Court, therefore rightly dismissed the petition.

4. Accordingly, this revision is dismissed as premature.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sma

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai -1.
2. The Public Prosecutor,
Madras High Court.

+1cc to Mr.R.C.Manoharan, Advocate, S.R.No.37005

Cr1.R.C.No.746 of 2022

SKM(CO)
CT/13/07/2022