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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.1705 of 2022

B.Rathina Prabhu ... Petitioner

Versus

1.The Executive Magistrate,
Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

2.State rep. by
Inspector of Police,
E-2, Peelamedu Police Station,
Law and Order,
Coimbatore.

3.Prethiya
4.Christoper Ferhandas Royal
5.Sirajuddin
6.Perumalsamy ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent herein to dispose of the proceedings in Na.Ka.No.4051/2021/A, as per the procedure contemplated under Section 145 of Criminal Procedure Code and within the time limit fixed by this Court.

For Petitioner : Mr.L.Mouli

For Respondents 1 & 2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

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O R D E R

The petitioner has filed this writ petition for issuance of mandamus directing the first respondent herein to dispose of the proceedings in Na.Ka.No.4051/2021/A, as per the procedure contemplated under Section 145 of Cr.P.C.

2. The contention of the petitioner is that the first respondent failed to follow the procedure as contemplated under Section 145 of Cr.P.C. further, he was not taking any action in this regard. Hence, the petitioner has filed the above petition.

3. Learned counsel for the petitioner submitted that Section 145 Cr.P.C. proceedings, which was pending before the first respondent/Revenue Divisional Officer, Coimbatore South has been transferred to Executive Magistrate, Revenue Divisional Officer, Coimbatore North, who conducted enquiry and it has been posted 'for orders'.

4. Learned Additional Public Prosecutor submits that in this case the petitioner questioned the procedure adopted by the learned Executive

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Magistrate, Coimbatore South and now the proceedings have been transferred to the file of learned Executive Magistrate, Coimbatore North, who conducted enquiry. The petitioner as well as the respondents 3 to 6 were participated in the enquiry. They were enquired and now the learned Executive Magistrate has to pass orders. It was informed that the orders will be passed shortly.

5. Considering the submission made by the learned Additional Public Prosecutor, it is found that the enquiry under Section 145 Cr.P.C. has already been conducted by the learned Executive Magistrate, Coimbatore North and orders will be passed shortly.

6. Recording the submission made by the learned Additional Public Prosecutor, this Writ Petition is disposed of. No costs.

20.06.2023

Index : Yes/No
Internet : Yes/No
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M.NIRMAL KUMAR, J.

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To

1.The Executive Magistrate,
Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

2.The Inspector of Police,
E-2, Peelamedu Police Station,
Law and Order,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

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