



Crl.O.P.No.4520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4520 of 2023

V.P.Raman

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Deevattipatti Police Station.
Crime No.570 of 2011

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to issue direction to the 1st respondent to comply the order dated 08.04.2022 passed in C.M.P.No.1250 of 2016 in C.C.No.01 of 2012 on the file of the learned Judicial Magistrate, Omalur, Salem District to produce the P.R.No.24 of 2012 before the trial Court.

For Petitioner : Mr. T.N.Muralimoghan

For Respondents : Mr.S.Santhosh,

Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent police to issue direction to the 1st respondent to comply the order dated 08.04.2022 passed in C.M.P.No.1250 of 2016 in C.C.No.01 of 2012 on the file of the learned Judicial Magistrate, Omalur, Salem District to produce the P.R.No.24 of 2012 before the trial Court.

2. The learned counsel for the petitioner submitted that petitioner is falsely implicated as an accused in C.C.No.01 of 2012 at the instigation of the defacto complainant to the S.Baskar Babu, Inspector of Police. The Inspector using his official position, registered a false case against the petitioner in Crime No.570 of 2011 under Sections 341, 324 of IPC. On the basis of the complaint given by the petitioner to the District Superintendent of Police, Salem, Departmental Proceedings have been initiated as against the Inspector under Section 2(B) of Departmental Rules. The proceedings in P.R.No.24 of 2012 is necessary for establishing petitioner's innocence in C.C.No.01 of 2012. Therefore, he filed a petition under Section 91 of Cr.P.C in



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C.M.P.No.1250 of 2016 for summoning the records relating to P.R.No.24 of 2012 on the file of the Superintendent of Police, Salem. This petition is allowed by the Judicial Magistrate, Omalur on 08.04.2022. However, till now, records have not been produced, necessitating the filing of this petition.

3. The learned Government Advocate (Crl. Side) submitted that the respondent would take necessary steps as per the orders passed by this Court.

4. In the light of the submissions made by the learned counsel for the petitioner, this Court is of the view that production of records relating to P.R.No.24 of 2012 is absolutely necessary for proving the innocence of the petitioner in C.C.No.01 of 2012, which was allegedly foisted against him at the instigation of the defacto complainant with the aid of Baskar Babu, Inspector of Police. Therefore, this Court directs the 1st respondent to produce the records relating to P.R.No.24 of 2012 within a period of two weeks from the date of receipt of copy of the order.



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5. Accordingly, this Criminal Original Petition is allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

sma

To

1. Judicial Magistrate, Omalur, Salem District
2. The Superintendent of Police,
Salem District,
Salem.
3. The Inspector of Police,
Deevattipatti Police Station.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

sma

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