



Crl.O.P.Nos.21482 of 2021 batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.Nos.21482, 21483, 21541, 21543 & 21545 of 2021 and
Crl.M.P.No.11627, 11630, 11670, 11675, 11677 of 2021

S.Praveen Kumar	..	Petitioner in Crl.O.P.No.21482 of 2021
E.Sekar	..	Petitioner in Crl.O.P.No.21483 of 2021
S.Dhivan	..	Petitioner in Crl.O.P.No.21541 of 2021
S.Prasanth	..	Petitioner in Crl.O.P.No.21543 of 2021
R.Suresh	..	Petitioner in Crl.O.P.No.21545 of 2021

Vs.

1.State Rep by
The Inspector of Police,
EDF – Team III,
CCB – II,
Vepery Chennai.
(Crime No.172 of 2019)

2.Bhawar Sales Corporation,
Rep by its Manager,
No.33/17, 11th Trust Cross Street,
Mandaveli, Chennai 28.

... Respondents in all Crl.O.Ps



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Common Prayer : Criminal Original Petitions have been filed under Section 482 of Cr.P.C. to call for the records in notice issued to the petitioners in Notice in Serial No.1, dated 30.10.2021, on the file of the 1st respondent Police and quash the same as unconstitutional, violative of Article 20(3) of Constitution of India, illegal, incompetent, without jurisdiction and liable to be set-aside in limine.

In all Crl.O.Ps

For Petitioners ... Mr.T.Elumalai

For Respondents ... Mr.A.Gopinath,
Govt. Advocate (Crl.Side) for R1
Mr.P.Sathyanathan for R2

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records in notice issued to the petitioners in Notice in Serial No.1, dated 30.10.2021, on the file of the 1st respondent Police and quash the same as unconstitutional, violative of Article 20(3) of Constitution of India, illegal, incompetent, without jurisdiction and liable to be set-aside in limine.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel for the second respondent in all Criminal Original Petitions.



WEB COPY 3. The learned counsel for the petitioners submitted that the petitioners have challenged 41(A) notice; but however, the petitioners are ready to make their appearance before the respondent police and offer their co-operation for enquiry.

4. The learned Government Advocate (Crl.Side) submitted that the offences are said to have taken place between 2018 and 2019 and the FIR has also been registered in the same year for the offences under Sections 408, 465, 468, 477A, 420 & 34 of IPC.; during the course of the investigation, some of the accused were arrested and some of them have obtained Anticipatory Bail.

5. The allegations are serious in nature. There is no scope to quash the proceedings at the threshold stage itself without allowing to conduct a fullfledged investigation. Since the FIR is of the year 2019, I feel it is appropriate to impress the first respondent police to complete the investigation and file a final report as expeditiously as possible preferably



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within a period of four weeks from the date of receipt of a copy of this order.

6. With these observations, these Criminal Original Petitions are disposed. The first respondent is directed to issue fresh 41(A) notice to the petitioners and the petitioners shall appear before the first respondent police immediately after the fresh 41A notice is issued and co-operate for the enquiry. Consequently, connected miscellaneous petitions are closed.

23.02.2023

Index: Yes/No
Internet: Yes/No
gsk



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To
WEB COPY

- 1.The Inspector of Police,
EDF – Team III,
CCB – II,
Vepery Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY



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R.N.MANJULA ,J.

gsk

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Crl.M.P.No.11627, 11630, 11670, 11675, 11677 of 2021

23.02.2023