



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20801 of 2023
and Crl.MP.No.14230 of 2023

Dr.S.S.Sukumar, Age-63
Anesthetist
M.K.Nursing Home
No.25, RS Mudali Street
Old Washermanpet
Chennai-600 021.

.. Petitioner /1st Accused

.Vs.

1.The State
Rep.by the Inspector of Police
H-3, Tondiarpet Police Station
Washermetpet.

..1st Respondent/Complainant

2.Mr.Devaraj
S/o.Srinivasan

..2nd Respondent/de facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Cr.No.33 of 2020, dated 28.1.2020 and 2.2.2021 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.Abdul Saleem
Senior Counsel
for M/s.AAV Partners

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1



2 of 4

ORDER

This Criminal Original Petition has been filed to quash the FIR in Cr.No.33 of 2020, pending on the file of the 1st respondent.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the final report has been filed before the XV Metropolitan Magistrate, GT Court, Chennai and the same has been taken on file in C.C.No.1342 of 2023.

3. The learned Senior Counsel appearing on behalf of the petitioner submitted that the entire procedure that was adopted by the respondent Police is illegal and the judgement of the Apex Court in **Jacob Mathew** case was not followed.

4. In the considered view of this Court, the Court below has taken the final report on file and a number has been assigned. Therefore, liberty is granted to the petitioner to challenge the proceedings in C.C.No.1342 of 2023, by taking all these grounds.

5. This criminal original petition is accordingly closed.

19.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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3 of 4



To

- 1.The Inspector of Police
H-3, Tondiarpet Police Station
Washermetpet.
- 2.Public Prosecutor
High Court of Madras.



WEB COPY

4 of 4



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Crl.O.P No.20801 of 2023

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