



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.3262 of 2024

N.Balasubramanian

...Petitioner

Vs

1.Mr.S.Chellappa
Inspector of Police,
K2, Ayanavaram Police Station,
Chennai – 600 023.

2.Mr.S.Parthasarathy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 29.01.2024 in returning of Memo in CC.No.402 of 2017 in Crime No.601/2011, on the file of the V Metropolitan Magistrate Court, Egmore and issue a direction to learned Magistrate to furnish the copies of the documents available in CC.No.402/2017 including protest petition with annexures forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



ORDER

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This criminal original petition has been filed challenging the Docket order dated 29.01.2024, wherein, the Court below had returned the memo filed by the petitioner seeking for certain documents.

2.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

3.The petitioner is a *defacto* complainant based on whose complaint, an FIR came to be registered in Crime No.601 of 2011 by the respondent police. A closure report was filed before the learned V Metropolitan Magistrate Court, Egmore and it was also taken on file without issuing notice to the *defacto* complainant. Aggrieved by the same, the petitioner filed Crl.R.C.No.462 of 2021 before this Court. This petition was disposed of by an order dated 27.09.2023. The relevant portion is extracted hereunder:

2. It is the contention of the Petitioner/Party-in-person that he is a practicing lawyer. Only when the police refused to register



FIR, he had approached the High Court by filing Crl.O.P.No.22948 of 2010. In the light of the direction of Hon'ble High Court in Crl.O.P.No.22948 of 2010 only the FIR was registered. Subsequent to the registration of FIR the police failed to proceed with the investigation. Instead the Respondent/Police filed RCS before the learned V Metropolitan Magistrate, Egmore, Chennai. The learned V Metropolitan Magistrate, Egmore, Chennai had dismissed the Criminal Miscellaneous Petition filed by the petitioner as protest petition. Aggrieved by the same, he had preferred this Criminal Revision Case. The Party-in-person is directed to file a private complaint against the accused to protect his right. Also the learned V Metropolitan Magistrate, Egmore, Chennai is directed to furnish the petitioner the copies of the documents that he had already furnished while filing the protest petition, to prove his contention in the criminal complaint that has to be filed by him. This Criminal Revision Case is disposed of with direction to the Petitioner/Party-in-person.

4.Pursuant to the above order, the petitioner filed a memo seeking for the copies of the documents. The Court below has returned the memo stating that the petitioner has not mentioned the details of the documents which are sought for by the petitioner. Aggrieved by the same, the present criminal original petition has been filed before this Court.



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5. When the above criminal revision was disposed of by this Court, this Court had given liberty to the petitioner to apply for the copies of the documents that has already been furnished while filing the protest petition. Hence, whatever documents were filed along with the protest petition will have to be furnished to the petitioner. It is not necessary for the petitioner to give the list of those documents. This clarity given by this Court shall be kept in mind by the Court below and the copy of the documents that were furnished while filing the protest petition shall be given to the petitioner as directed in the order passed in the criminal revision petition.

6. This criminal original petition is disposed of in the above terms.

15.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

1. The V Metropolitan Magistrate Court, Egmore.



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2.The Inspector of Police,
K2, Ayanavaram Police Station,
Chennai – 600 023.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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