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CrI.O.P.No.28697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.28697 of 2024 and

CrI.M.P.No.15995 of 2024

Selvi Soundra Rajan

... Petitioner

Vs.

The Inspector of Police
G2, Periyamedu Police Station
Chennai - 600 003

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order dated 21.08.2024 passed in CrI.M.P.No.22067 of 2024 in C.C.No.16 of 2020 on the file of the Additional Special Court of Trial for Criminal Cases related to elected members of parliament and members of legislative assembly of Tamil Nadu, Chennai - 600 001 and allow the above Criminal Original Petition.

For Petitioner	: Mr.V.V.Sairam
For Respondent	: Mr.S.Vinoth Kumar
	Government Advcate (CrI. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner to set aside the order dated 21.08.2024 passed in Crl.M.P.No.22067 of 2024 in C.C.No.16 of 2020 on the file of the Additional Special Court of Trial for Criminal Cases related to elected members of parliament and members of legislative assembly of Tamil Nadu, Chennai, dismissing the petition filed by the petitioner under Section 94 of B.N.S.S. Act.

2. The learned counsel for the petitioner submitted that there are rival claims and each party lodged complaints against each other and in all the complaints, FIR was registered. However, in the FIR, registered against the petitioner in Crime No.1362 of 2002, charge sheet was already filed in C.C.No.16 of 2020 on the file of the Additional Special Court of Trial for Criminal Cases related to elected members of parliament and members of legislative assembly of Tamil Nadu, Chennai, whereas, in the FIR in Crime No.1361 of 2002, registered against the defacto complaint based on the



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complaint of the petitioner, charge sheet has not been filed. When the petitioner approached the respondent police and asked for the copy of the FIR registered in Crime No.1361 of 2002 based on his complaint, he was informed that the said FIR was not available with them. Since the said FIR is essential to arrive at a decision of this case, the petitioner filed a petition before the trial Court in CrI.M.P.No.22067 of 2024 under Section 94 of B.N.S.S. for production of copy of the F.I.R.No.1361 of 2002 in which, the respondent police filed counter stating that only 10 years records are available with them and rest of the records were destroyed. The learned Special Judge also, without even considering the fact that it is a case and case in counter, dismissed the petition observing that the said FIR is irrelevant. Hence, challenging the same, the present petition is filed.

3. Learned Government Advocate (CrI. Side) appearing for the respondent police submitted that in the case registered against the petitioner in Crime No.1362 of 2002, after completion of investigation, charge sheet was



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filed and the same was taken on file in C.C.No.16 of 2020 on the file of the

Additional Special Court of Trial for Criminal Cases related to elected members of parliament and members of legislative assembly of Tamil Nadu, Chennai. Subsequently, the prosecution witnesses were examined and the petitioner also cross-examined them. He would further submit that in the said case, the petitioner has been shown as A5 and she also participated in the trial proceedings. Now, after completion of examination of witnesses on both sides and also after completion of arguments on the side of the prosecution, when the matter was listed for defense side arguments, the petitioner filed the petition seeking production of copy of the FIR registered against the defacto complainant based on her complaint. Hence, the learned Special Judge, observing that the said FIR is irrelevant to this case, dismissed the same.

4. Head both side and perused the materials available on record.

5. It is seen that the petitioner was kept quite all along the trial proceedings of the case in C.C.No.16 of 2020 and she participated in the trial



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and cross-examined to prosecution witnesses. Further, opportunity has been given to the defense witnesses. Thereafter, after completion of evidence and after completion of prosecution side arguments, when the matter was posted for defense side arguments, the petitioner has filed the petition under Section 94 of B.N.S.S. Act for production FIR registered on her complaint. Hence, the learned Special Judge, dismissed the same. This Court does not find any perversity or arbitrariness in the order passed by the Special Judge.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

22.11.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

1. The Inspector of Police
G2, Periyamedu Police Station
Chennai - 600 003
2. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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