

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).5642/2004

(From the judgement and order dated 15/06/2004 in CRLOP No.10651/2004 of The HIGH COURT OF MADRAS)

STATE BY INSPECTOR OF POLICE

Petitioner(s)

VERSUS

R. SUBRAMANIAN & ANR.

Respondent(s)

(With office report)

Date: 04/02/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. V. Kanakaraj, Sr. Adv.

Mr. V.G. Pragasam, Adv.  
Mr. S. Joseph Aristotle, Adv.  
Mr. S. Prabu Ramasubramanian, Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Senthil Jagadeesan, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard learned counsel for the parties.

The criminal appeal is disposed of.

[ Alka Dudeja ]  
Court Master

[ Om Prakash ]  
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.260 OF 2008  
(Arising out of S.L.P. (Crl.) No.5642 of 2004)

State by Inspector of Police

...Appellant(s)

Versus

R. Subramanian & Anr.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order, the High Court, after the submission of final form, has quashed the prosecution though the learned Additional Chief Metropolitan Magistrate, Egmore, has not applied his mind thereon. On this ground alone, the impugned order should be set aside.

Accordingly, the impugned order is set aside and the learned Magistrate is directed to apply his mind upon the final form submitted by the police in accordance with law. In case the learned Magistrate decides to take cognizance and summons the respondents, it would be open to them to move the High Court under Section 482 of the Code of Criminal Procedure. If such an application is filed, the same shall be decided on its own merits.

The criminal appeal is, accordingly, disposed of.

.....J.  
[B.N. AGRAWAL]

.....J.  
[G.S. SINGHVI]

New Delhi,  
February 04, 2008.