

SUPREME COURT OF INDIA

State by Inspector of Police

Vs.

R.Subramanian & Anr.

Crl.A.No.260 of 2008

(B.N.Agrawal & G.S.Singhvi, JJ.)

04.02.2008

ORDER

(Arising out of S.L.P. (Crl.) No.5642 of 2004)

1. Leave granted.
2. 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.
3. 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.