

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

Cr1.O.P No.24353 of 2015
& M.P.No.1 of 2015

Dr.Irudayavasan

.. Petitioner/Accused 6

Vs.

The State rep. by:

The Deputy Superintendent of Police

Vigilance and Anti Corruption

Special Unit

3/268, Periyar Nagar

Krishnagiri

.. Respondent/Complainant.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in connection with Special Case No.26 of 2009 on the file of the learned Chief Judicial Magistrate and Special Judge, Krishnagiri and quash the same.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.P.Govindarajan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed under section 482 of the Code of Criminal Procedure, 1973 praying to quash the proceedings of Special Case No.26 of 2009 pending on the file of Chief Judicial Magistrate and Special Judge, Krishnagiri, so far as the petitioner is concerned.

2. It is averred in the petition that the petitioner has been arrayed as accused No.6 in Crime No.8/AC/2001/DP. The respondent has conducted investigation and laid a final report on the file of the trial court and the same has been taken on file in Special Case No.26 of 2009. During the pendency of the same, this petition has been filed. Further it is averred in the petition that FIR has been registered in the year 2001 and final report has been filed in the year 2009. Since the final report has been filed after a long time, this petition has been filed for getting the relief sought for therein.

3. The learned counsel appearing for the petitioner has contended that the petitioner has been arrayed as accused No.6 in Special Case No.26 of 2009 and some of the accused/officials, as petitioners, have filed Criminal M.P.Nos.278, 275, 307, 306, 277, 328 and 276 of 2010 on the file of the trial court so as to discharge them, but the trial court has dismissed all those petitions and against the orders passed thereon, Criminal R.C.Nos.315, 316, 385, 412, 417, 422, 495 and 713 of 2013 have been filed on the file of this Court and this Court, after hearing both sides, purely on the ground of delay in conducting investigation, has allowed all the Criminal Revision Cases and ultimately discharged the revision petitioners therein and since the petitioner in the present petition is also standing in the same footing, the relief sought for therein can easily be granted.

4. The learned Additional Public Prosecutor has contended that the Investigating Officers have conducted laborious investigation and also collected voluminous documents and due to that, such delay in filing final report has occurred and the same cannot be a ground for allowing this petition.

5. It is seen from the records that the alleged offences are said to have been committed from the period started from the years 1995 to 2000 and various officials have served during the interregnum period. As pointed out on the side of the petitioner, some of the officials have been granted relief of discharge by this Court mainly on the ground of delay in filing final report. The present petitioner is also an official. The only contention put forth on the side of the petitioner is that there is a delay of 8 years in conducting investigation and filing final report on the part of the investigating officers.

6. It is seen from the records that FIR has been registered in the year 2001 and after a lapse of 8 years, final report has been filed. Therefore, it is quite clear that there is an inordinate delay of 8 years in conducting investigation. Simply because the so-called Investigating Officers have conducted laborious investigation and collected voluminous documents, such huge delay cannot be countenanced nor condoned.

7. It has already been pointed out that for similar reason, Criminal R.C.Nos.315, 316, 385, 412, 417, 422, 495 and 713 of 2013 have been allowed by this Court. Further, in similar matters, this Court has already allowed Criminal Original Petition Nos.10723 to 10725 of 2015 on 31.8.2015. Under the said circumstances, in the present petition, a different view cannot be taken. Therefore, viewing from any angle, the contentions put forth on the side of the petitioner can be accepted and the petitioner is entitled to get relief sought for in the petition.

In fine, this Criminal Original Petition is allowed and so far as the petitioner is concerned, the proceedings in Special Case No.26 of 2009 on the file of Chief Judicial Magistrate and Special Judge, Krishnagiri are quashed. Consequently, the connected Miscellaneous Petition is closed.

ajr

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Chief Judicial Magistrate and Special Judge, Krishnagiri
 2. The Deputy Superintendent of Police
Vigilance and Anti Corruption
Special Unit
3/268, Periyar Nagar
Krishnagiri
 3. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Public Prosecutor, SR 53559

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Cr1.OP No.24353 of 2015

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