

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28427 of 2015

and

M.P.No.1 of 2015

1.K.Subramanian
2.A.V.Bharathan
3.K.Lakshmanan

.... Petitioners

Vs

1.The State
rep. by Inspector of Police,
T3 Police Station,
Korattur, Chennai-600 050.

2.T.Kuppan

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the FIR in Crime No.31 of 2002 pending on the file of the 1st respondent-Police and to quash the same.

For Petitioners : Mr.P.Chandrasekar

For respondents : Mr.C.Emalias, APP (For R1)

O R D E R

This petition has been filed by the petitioners praying to call for the records pertaining to FIR in Crime No.31 of 2002 pending on the file of the 1st respondent-Police and to quash the same.

2.The petitioners 1 & 2 are the retired Sub-Inspectors of Police. The 3rd respondent is presently working as Sub-Inspector of Police at J5 Sastri Nagar Police Station. While the petitioners were working in the Police Station, on 14.01.2002, one Muthu had informed the 1st petitioner over phone that certain iron materials were manufacturing and assembling by one Kuppan (defacto-complainant in the present case) at No.112, Thiruvallur Street, Mugappair Road, Chennai and that he might have connection with the rocket launcher case. On getting such

information, the 1st petitioner conveyed the same to the petitioners 2 & 3 and thereafter, the petitioners went to the place of the defacto-complainant and enquired him about the information received by them. On enquiry the petitioners came to know that the defacto-complainant did not involve in any such illegal activities as informed by the informer Muthu. Thereafter, the petitioners came back to the police station. But, subsequently, a FIR was registered against the said informer Muthu and other accused persons on the basis of the complaint given by the defacto-complainant for the alleged offences punishable under Sections 448, 384, 506 (ii) r/w 420 IPC. While giving confession statement, the informer Muthu might have given the names of the petitioners to the 1st respondent-Police. Now, on the basis of the confession statement of the informer Muthu, the petitioner have been implicated in the case. But, even after lapse of 13 years, no final report has been filed by the 1st respondent-Police. Hence, the petitioners have come forward with the present petition before this Court seeking to quash the FIR.

3. Heard both sides. It is submitted by the learned Additional Public Prosecutor that now the investigation is almost completed and the final report is ready and the same will be filed very soon; that knowing about the same, the petitioners have come forward with the present petition to quash the FIR. Thus, the learned Additional Public Prosecutor opposed to quash the FIR.

4. Considering the facts and circumstances of the case and the submission made by the learned Additional Public Prosecutor, I am of the opinion that since the investigation is almost completed and the final report has been made ready, at this stage, the FIR could not be quashed on the ground of delay. Further more, the scope of quashing the FIR is very narrow. Hence, I am not inclined to entertain the present petition at this stage and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed. However, the petitioners are liberty to file a fresh petition, after filing final report. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssv/ssd

To,

1.The Inspector of Police,
T3 Police Station,
Korattur, Chennai-600 050.

2. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.P. Chandrasekar, Advocate SR.60943

CrI.O.P.No.28427 of 2015

MG(CO)
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