



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.03.2015
CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.O.P. (MD) No. 7006 of 2014
and
M.P (MD) Nos. 1 & 2 of 2014

1. Elango
2. Harikrishnan
3. Parthasarathy
4. Deepa
5. Murugesan
6. Selvaraj
7. Thangalingam
8. Narayanan
9. Suthanraj
10. Anbukodi
11. S. Muthukumar @ Kannan
12. Krishnamani
13. Raja

..Petitioners/Accused 1 to 13

Vs

1. The State rep by
The Inspector of Police,
Vellichantai Police Station,
Azhikar Post,
Kanyakumari District.

...1st Respondent/Complainant

2. Velmurugan

..2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the final report as made in C.C.No.31 of 2013 on the file of the Learned Judicial Magistrate, Eraniel, Kanyakumari District by the first respondent in connection with Crime No.29 of 2011 on the file of the Inspector of Police, Vellichantai Police Station, Kanyakumari District and quash the same.

For Petitioner : Mr.R.C.Paul Kanagaraj for
Mr.S.Palani Velayutham
For R1 : Mr.K.Anbarasan
Govt. Advocate (CrI.side)
For R2 : Mrs.J.Nisha Banu

ORDER

The petitioners, who is the first accused in case pending trial in C.C.No.31 of 2013, on the file of the Learned Judicial Magistrate, Eraniel, Kanyakumari District for offences under Sections 147, 148, 447, 427 and 506(ii) IPC, seeks quash of proceedings.

2. Heard learned counsel for the petitioner and learned Government Advocate (CrI. Side) for the first respondent heard. The materials available on record are perused.



3. Counsel for the second respondent is not present, but adjournment on her behalf was sought. Such request is not acceded to.

4. The complaint is totally bereft of particulars. The case has been registered in Cr.No.29 of 2011 on the file of the first respondent for offences under Sections 147, 148, 447, 427 and 506(ii) IPC. We are conscious that the First Information Report need not be an encyclopedia. Upon an investigation a final report, informing the case alleged to be false and mistake of fact, had been filed on 25.08.2011. In doing so, the opinion of Additional Public Prosecutor had been obtained. Subsequently, a final report has been filed on 25.11.2011 informing the commission of offences, leading to the pendency of C.C.No.31 of 2013. There is no explanation in such charge-sheet as to whether further investigation was directed by the Court or even that what had been conducted by way of investigation is in exercise of right under Section 173(8) Cr.P.C. Such final report has been preferred in disobedience of the orders of this Court inasmuch as this Court in Cr1.O.P.No.207 of 2013 dated 04.02.2013 has ordered stay of investigation.

5. This Criminal Original Petition shall stand allowed and the proceedings in C.C.No.31 of 2013 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District shall stand quashed. Consequently, connected M.P(MD)Nos.1 & 2 of 2015 are closed.

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

1. The Judicial Magistrate Eraniel
2. The Inspector of Police, Vellichantai Police Station,
Azhikar Post, Kanyakumari District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.

+1cc TO MR. PAUL KANAGARAJ, ADVOCATE SR.NO. 14891

Cr1.O.P. (MD) No. 7006 of 2014

AM

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