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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P(MD)NO.17269 of 2013

and

(*)M.P. (MD) .No.1 of 2013

(*)1.K.Rajan @ Chandra Rajan

2.C.Gopalan

... Petitioners

Vs.

1. State rep. by

The Inspector of Police,
Thuckalay Police Station,
Thuckalay Post - 629 175
Kanyakumari District.

2. Junior Engineer (Distribuction)

Tamil Nadu Generation and
Distribution Corporation (TNEB),
Thickamamcode,
Thickamamcode and Post,
Kanyakumari District - 629 804.

3. S.Rajaretinam

... Respondents

PRAYER: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to call for the records in Crime No.344 of 2012, dated 28.03.2012 on the file of the first respondent and quash the same against the petitioners.

For Petitioners

: Mr.M.Dennis Joe

For Respondents 1& 2

: Mr. S.Prabha

Government Advocate (Crl. Side)

For Respondent-3

: Mr.M.Suresh

ORDER

Challenging the FIR in Crime No.344 of 2012, the present petition has been filed.

2. Heard the learned counsels appearing for the petitioners, and the third respondent and the learned Government Advocate (Crl. Side) appearing for the first and second respondent/State.

3. The learned counsel for the petitioner submitted that there is no act called Tamil Nadu Electricity Board Act, 2003. He further submitted that in the earlier counter filed by the first respondent in Cont.P(MD).No.394 of 2012, it is stated that a petition was filed by one Chandra Latha against the third respondent. The said Chandra Latha only committed the offence as stated in her complaint. Therefore the proceedings will be quashed.



4. Perusal of the Counter affidavit filed by the first respondent shows that the investigation was completed in Crime No.344 of 2012 and charge sheet has also been filed, though it has not been taken on file, the complaint was closed on 16.03.2012.

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5. It is also submitted that a counter affidavit can not be a substitute of the final report, but the final report indicates the complicity of the petition.

6. The counsel for the petitioner submitted that the copy application filed before the concerned court requiring the copy of the final report has been returned by saying that no final report has been filed.

7. The learned Government Advocate(Crl.Side) is produced the copy of the final report before this Court and it appears that the same has not been represented before the concerned Court. Therefore the first respondent is directed to represent the final report and make sure that the same is taken up on file within a period of four weeks from the date of receipt of a copy of this order.

8. This court is not willing to go into the averments made in the counter affidavit filed by the first respondent. In the result, this petition is disposed of with the above direction.

Sd/-

Assistant Registrar(AE)

**(*)CORRECTED ORDER ISSUED DATED
03/07/2015 AND MADE IN CRL.OP(MD)NO.17269/2013 BY MMSJ**

/True Copy/

Sub Assistant Registrar

To

**(*)TO BE SUBSTITUTED THE ORDER COPY ALREADY DESPATCHED ON
30/6/2015**

1. The Inspector of Police,
Thuckalay Police Station, Thuckalay Post - 629 175,
Kanyakumari District.
2. The Junior Engineer (Distribution)
Tamil Nadu Generation and Distribution Corporation (TNEB),
Thickamamcode, Thickamamcode and Post,
Kanyakumari District - 629 804.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.M.Suresh, Advocate Sr.No.28159

+1cc to MR.M.Dennis Joe, Advocate Sr.No.35785

pjl

AA/26.06.2015/ 2p- 6c/

RL/6 C- 24/7/2015

CRL.O.P(MD).17269 of 2013 and
M.P. (MD).No.1 of 2015

05.06.2015