

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.15011 of 2016

and

Crl.MP.No.7446 of 2016

T.Kamalakannan

... Petitioner

Vs

State rep by
The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.
Crime No.326 of 2011

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.326 of 2011 on the file of the respondent and quash the same.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.326 of 2011 on the file of the respondent.

2.Heard Mr.I.Paul Noble Devakumar, learned counsel appearing for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondent.

3. On the complaint lodged by S.Murugan, Grade-I Police Constable 27513, Inspector of Police, P3 Police Station registered a case in Crime No.326 of 2011 on 13.04.2011 for the offences under Sections 341, 323, 294(b), 353, 171F IPC r/w 3(1) of TNPPD & L Act 1992 & Section 130 R.P.Act 1951 against Kamalakannan and others, challenging which Kamalakannan is before this Court.

4. The learned Additional Public Prosecutor filed a counter strongly objecting the quashment of the FIR.

5. On a reading of the FIR, it is seen that the petitioner belongs to DMK party and it is alleged in the FIR that during the election to the Tamil Nadu State Assembly in the year 2011, the petitioner and his party-men were canvassing within 200 mtrs. from the polling booth, in violation of election rules. That apart, it is alleged that the petitioner and his party-men pushed the police constable and caused damage to his video camera. It is seen that from the year 2011 to 2016, the police have not done any investigation so far and that the FIR remains as it is. Even the FIR has gone to the concerned jurisdictional Court only on 22.04.2011.

6. Taking into consideration the nature of the allegation in the FIR and the fact that no progress has been made in the investigation so far, this Court is of the view that it is a fit case to quash the same and accordingly the petition is allowed and the FIR in Crime No.326 of 2011 is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Chennai.

+2cc'S to Mr.I.Paul Noble Devakumar, Advocate, S.R.No.48228

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AD(CO)

CA(09/09/2016)