

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.11459 of 2010

and

MP.No.1 of 2010

1. M.Gnaneswaran

2. G.Manikandan

3.Santhosh Kumar ..Petitioners/Accused

Vs

1. The Inspector of Police
Pochampalli Police Station,
Pochampalli, Krishnagiri District.

2. M.Thirunavukkarasu ..Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in Crime No.201 of 2010 on the file of the 1st Respondent herein and quash the First Information Report against the petitioners herein.

For Petitioners : Mr.M.Duraiswamy

For R1 : Mr.C.Emalias,
Additional Public Prosecutor

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed praying to call for the records in Crime No.201 of 2010 on the file of the 1st Respondent herein and quash the First Information Report against the petitioners herein.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the investigation in Crime No.201 of 2010 was completed by the respondent police and a final report was filed on 20.11.2014 before the District Munsif-cum-Judicial Magistrate, Pochampalli, Krishnagiri District against the petitioners for offences under Sections

294(b), 506(i) IPC r/w Sections 3 & 4 of the Tamil Nadu Prohibition of Charging Exorbitant Rate of Interest Act, 2003.

4. Learned counsel appearing for the petitioners submitted that the petitioners made a copy application before the District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District and he has returned the copy application on the ground that the charge sheet has not been filed. It is common knowledge that the charge sheet filed should have been either returned or kept without numbering.

5. Under such circumstances, this petition is dismissed with liberty to the petitioner to raise all the points before the trial Court. Consequently, connected miscellaneous petition is closed.

6. Learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District is directed to pass appropriate orders in the final report in Crime No.201 of 2010 within four weeks from the date of receipt of a copy of this order. The respondent police is directed to co-operate with the District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District for rectification any defects for the charge sheet.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The District Munsif-cum-Judicial Magistrate,
Pochampalli, Krishnagiri District

2. The Inspector of Police
Pochampalli Police Station,
Pochampalli, Krishnagiri District.

3.The Public Prosecutor, High Court, Madras.
+1 cc to Mr.P.M.Duraisamy, advocate,sr.54107.

Ev(co)
krd 24/10

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