

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.5437 of 2017

and

Crl.MP No.4064 of 2017

Kulandaisamy Petitioner /Accused

Vs

1.State rep. by
the Inspector of Police,
Kangaiyam Police Station,
Thiruppur District.1st Respondent/Complainant

2.V.M.SivasubramaniamRespondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to Crime No.1838 of 2011 dated 21.07.2011 on the file of the first respondent police and quash the same.

For Petitioner : Mr.M.Ramu

For R1 : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to Crime No.1838 of 2011 dated 21.07.2011 on the file of the first respondent police and quash the same.

2. The case of the petitioner is that a FIR in Crime No.1838 of 2011 has been registered against him for the alleged offences punishable under Sections 279 and 304(A) IPC. After due investigation, it was found that the accident happened due to rash and negligent driving of the deceased and the case was closed vide RCS No.34 of 2011. Accordingly, a final report was filed to that effect before the learned Judicial Magistrate, Kangaiyam, Thiruppur District. However, closure report was not available with the learned Magistrate concerned. Since the petitioner is going to attain superannuation shortly and the

Pension authority questioned the pendency of the FIR against him, the closure report is very much essential for the petitioner. Therefore, he has no other alternative except to approach this Court with the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, who took notice for the first respondent.

4. Considering the facts and circumstances of the case, this Court directs the first respondent police to file a final report in Crime No.1838 of 2011, pending on his file, if not filed earlier, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, it is always open to the petitioner to approach the Court concerned for appropriate relief in the manner known to law.

5. Accordingly, the Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Kangaiyam Police Station,
Thiruppur District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Judicial Magistrate,
Kangaiyam,
Thiruppur District.

CrI.O.P.No.5437 of 2017

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