

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6406 of 2018 &
Crl.M.P.No.3265 of 2018

1.C.Dhamotharan
2.D.Pasupathy
3.D.Ayyappan

... Petitioners/Accused

Vs.

1.The State Represented by
The Inspector of Police,
T-5, Thiruvirkadu Police Station,
Ambattur. ... 1st Respondent/Complainant

2.Late B.Kumar ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the pending investigation in Crime No.163 of 2008 on the file of the Inspector of Police, T-5 Thiruvirkadu Police Station, Ambattur and quash the same.

For Petitioners : M/s.N.Premalatha

For Respondent 1 : Mrs.P.Kritika kamal,
Government Advocate (Crl. side)

For Respondent 2 : No appearance

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O R D E R

This petition has been filed seeking to quash the proceedings in Crime No.163 of 2008 on the file of the first respondent.

2.Heard Mrs.N.Premalatha, learned counsel for the petitioner as well as Mrs.P.Kritika kamal, learned Government Advocate (Crl. side) appearing for the first respondent. There is no representation for the second respondent.

3. The FIR that came to be registered in the year 2008 is said to be still pending investigation. The main ground raised by the learned counsel for the petitioner is that on the ground of laches and denial of right to speedy and fair trial. It is not in dispute that the complaint was registered on 21.04.2008 and the investigation is still pending.

4. The Hon'ble Supreme Court in various cases held that an inordinate delay in investigation would be violative of the petitioner's right for speedy and fair trial and that, the FIR is liable to be quashed, in view of such an inordinate delay. While considering the question whether the criminal proceeding against the accused is liable to be quashed on the ground of delay, the Hon'ble Supreme Court has laid down the following proposition in para 7 in P.V.Pavithran's case, 1990(2) SCC 340 : (AIR 1990 SC 1266), wherein it has held that (at page 1268 of AIR)

"There is no denying the fact that a lethargic and lackadaisical manner of investigation over a prolonged period makes an accused in a criminal proceeding to live every moment under extreme emotional and mental stress and strain and to remain always under a fear psychosis. Therefore, it is imperative that if investigation of a criminal proceeding staggers on with tardy pace due to the indolence or inefficiency of the investigating agency causing unreasonable and substantial delay resulting in grave prejudice or disadvantage to the accused, the Court as the protector of the right and personal liberty of the citizen will step in and resort to the drastic remedy of quashing further proceeding in such investigation."

5. In view of the fact that the investigation is pending for the past 10 years, the FIR is liable to be quashed. Hence, the investigation in Crime No.163 of 2008 on the file of the first respondent is hereby quashed. Accordingly, the Criminal Original Petition stands allowed and the Criminal Miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

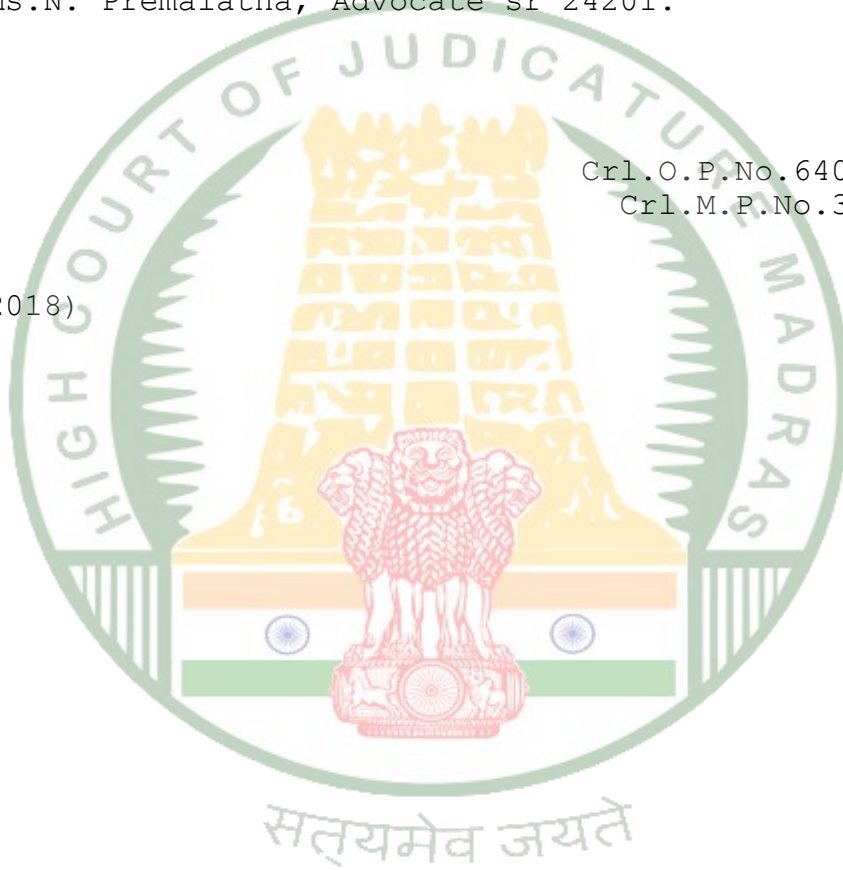
1.The Inspector of Police,
T-5, Thiruvirkadu Police Station,
Ambattur.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Ms.N. Premalatha, Advocate sr 24201.

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RV(CO)
SP(28/04/2018)



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