

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.7746 of 2018 &
Crl.MP.No.3993 of 2018

1.Manoj Kumar
2.M.DineshKumar
3.Saranraj
4.S.Tamil Azhagan
5.R.Yuvaraj
6.B.Navaneethakrishnan ... Petitioners/Accused
9,12,16,17,18 & 22

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur ... Respondent/Complainant
(Crime No.766 of 2013)

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records on the file of the
Inspector of Police, Tiruppur North Police Station, Tiruppur
District in Crime No.766 of 2013 and quash the same insofar as
the petitioners are concerned.

For Petitioners: Mr.V.Balamurugane

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking to quash the proceedings
in Crime No.766 of 2013 on the file of the respondent.

2. Heard Mr.V.Balamurugane, learned counsel for the
petitioners as well as Mrs.P.Kritika Kamal, learned Government
Advocate (Crl. side) appearing for the respondent.

3. The First Information Report came to be registered on
06.09.2013 wherein the investigation is still pending before
the respondent police. On a perusal of the First Information
Report, it is seen that the names of three persons have been
shown along with 25 others and the petitioners' names were not
arrayed as accused. There is no specific overt acts as against
these petitioners, among the 25 un-named accused in the First

Information Report. Thereafter, the petitioners herein have been arrayed as accused 9,12,16,17,18 & 22. In view of the absence of any specific overt acts as against the petitioners herein, I am unable to comprehend as to how these offences could be made out as against the petitioners.

4. It is further seen that there is an inordinate delay in completing the investigation. Though the First Information Report came to be registered on 06.09.2013, even as on date, final report has not been filed. This delay would be fatal to the prosecution. Even assuming that the respondent is permitted to continue with the investigation, it may not be a fruitful exercise. in view of the considerable delay, there cannot be a logical conclusion to the investigation made.

5. In the result, the petitioner is entitled to succeed. Consequently, the investigation in Crime No.766 of 2013 on the file of the respondent herein, insofar as it relates to the petitioners herein/ accused 9,12,16,17,18 & 22 are concerned is quashed. Hence, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur

2.The Public Prosecutor,
High Court, Madras.

RV(CO)

sm:26.4.2018

Cr1.O.P.No.7746 of 2018

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