

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.10771 of 2018

M.Sankar

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep. By the Inspector of Police,
Mangalamedu Police Station,
Mangalamedu, Perambalur District.
Crime No.266/2006

2. Sundarraaj ...Respondents

Criminal Original Petition filed under Section 482,
Cr.P.C. Call for the records relating to the FIR in Crime
No.266 of 2006 on the file of the respondent and to quash the
same.

For petitioner : Mr.P.Mani

For Respondents: Mrs.V.Kritha Kamal
Government Advocate (CrI. Side) for R1

O R D E R

This petition has been filed by the petitioner seeking to
quash the FIR in Crime No.266 of 2006 on the file of the
respondent.

2. Mr.Sundarraaj, the second respondent herein, filed a
private complaint under Section 156 (3) of the Cr.PC before
the Judicial Magistrate, Perambalur District and on the
directions of the learned Judicial Magistrate, Perambalur
District, Mangalamedu Police Station/the first respondent
herein registered a case in Crime No.266 of 2006 under
Sections 147, 341, 342, 294(b), 323, 153(A) and 506(ii) of IPC
against the Murugaiyan and nine others.

3. During the course of investigation, it came to light
that out of 10 persons, five persons were not involved in the
offence. Therefore, the police filed an alteration report
dated 22.11.2006 before the learned Judicial Magistrate,
Perambalur, praying for deletion of the names of the five
persons including M.Sankar, son of Mayavel, who is arrayed as

10th accused in the First Information Report.

4. When the petitioner applied for Passport, police verification was done and it is reported that the petitioner is an accused in Crime No.266 of 2006 on the file of the first respondent/Mangalamedu Police Station, Perambalur District and therefore the petitioner has filed the present application for quashing the FIR.

5. On the direction of this Court, Mr.Kumaravel, the Deputy Superintendent of Police, Mangalamedu Sub-Division, Mrs.A.Mahalakshmi, the Inspector of Police, Mangalamedu Police Station and Ms.R.Suganya, the Sub-Inspector of Police, Mangalamedu Police Station, are present before this Court.

6. On instructions, the Government Advocate (Cr1.Side) appearing on behalf of the respondents / State submitted that the then Investigation Officer had filed an alteration report for deleting the names of the petitioner and four others from the FIR. She also submitted that investigation was completed and charge sheet was filed in the year 2006 against five persons alone before the Judicial Magistrate, Perambalur District. However, the same was not taken on file. She further submitted that a new building was constructed to house the Mangalamedu Police Station and the Case Diary relating to Crime No.266 of 2006 was lost. She further submitted that the police also approached the learned Judicial Magistrate, Perambalur District, and found that the original complaint, FIR copy, 161 statement of witnesses are available, but, whereas, the final report is not available; the Magistrate Court's records show that the police have not filed any final report.

7. In such circumstances, a viable solution has to be found out to solve this vexed issue. Thus, the first respondent herein is directed to apply for certified copies of the available documents from the learned Judicial Magistrate, Perambalur District.

8. In this case, there has not been any recovery of articles nor is there any medical evidence to show that the victim underwent treatment. Therefore, the learned Judicial Magistrate is directed to furnish the certified copies of the documents to the first respondent herein to reconstruct the Case Diary.

9. The first respondent is also directed to file a fresh charge sheet against the five persons, whose names were not deleted in the alteration report dated 22.11.2006.

10. In view of the alteration report, the FIR in Crime No.266 of 2006 is quashed as against the petitioner herein. Accordingly, the Criminal Original Petition is allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dss/srk

To

1. The learned Judicial Magistrate,
Perambalur District.
- 2.The Inspector of Police,
Mangalamedu Police Station,
Mangalamedu,
Perambalur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Mani, Advocate Sr.No.37806

sm:22.6.2018

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