

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

Crl.OP No.4982 of 2018

M.Manicka Selvi

..Petitioner/Accused 4

Vs.

State by
Inspector of Police,
C.S.C.I.D.
Ambattur, Chennai.
(Crime No.376/2010)

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records and quash the First Information Report pending investigation in Crime No.376/2010 on the file of the Inspector of Police, C.S.C.I.D., Ambattur, Chennai, as an abuse of process of law.

For Petitioner : Mr.C.V.Kumar
For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl.Side)

ORDER

The prayer sought for in the petition is to quash the proceedings in Crime No.376 of 2010, on the file of the respondent/Inspector of Police.

2. The petitioner herein has been arrived as an accused for the alleged offence under Section 6(2)(3) of TNSC (RDCS) Order 1982 r/w 7(i)a(ii) of EC Act 1955 in Crime No.376/2010 on the file of the respondent / Inspector of Police herein.

3. Though the complaint was registered in the year 2010, the final report is yet to be filed. Today when the matter was called, the learned Government Advocate (Crl.Side), on instruction, submitted that the investigation is still pending. On the other hand, the learned counsel for the petitioner submitted that the alleged the mis-appropriate amount has already been re-paid and in view of the delay in concluding, the investigation the petitioner has sought for quashing the FIR.

4. Though the petitioner has re-paid the alleged misappropriate amount, it cannot be said that the petitioner can be automatically absolved from the offences. Nevertheless, it is rather unfortunate that though the complaint came to be registered in the year 2010, the respondents is yet to file the final report or charge sheet.

5. I am unable to comprehend as to how the respondent police would be justified in keeping the investigation pending for a period of more than eight years. Apart from that, it is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Furthermore, he had been anticipating the outcome of the final report of investigation for more than seven years. In the mean time, he also retired from her service. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed.

6. In view of the laches on the part of the prosecution to complete the investigation within a reasonable time, I am of the view that no justification can be established, if the respondent herein is permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. Consequently, the proceedings in Crime No.376/2010 on the file of the Inspector of Police, C.S.C.I.D., Chennai is quashed.

7. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

dna

To

1. The Inspector of Police,
C.S.C.I.D.
Ambattur, Chennai.
(Crime No.376/2010)

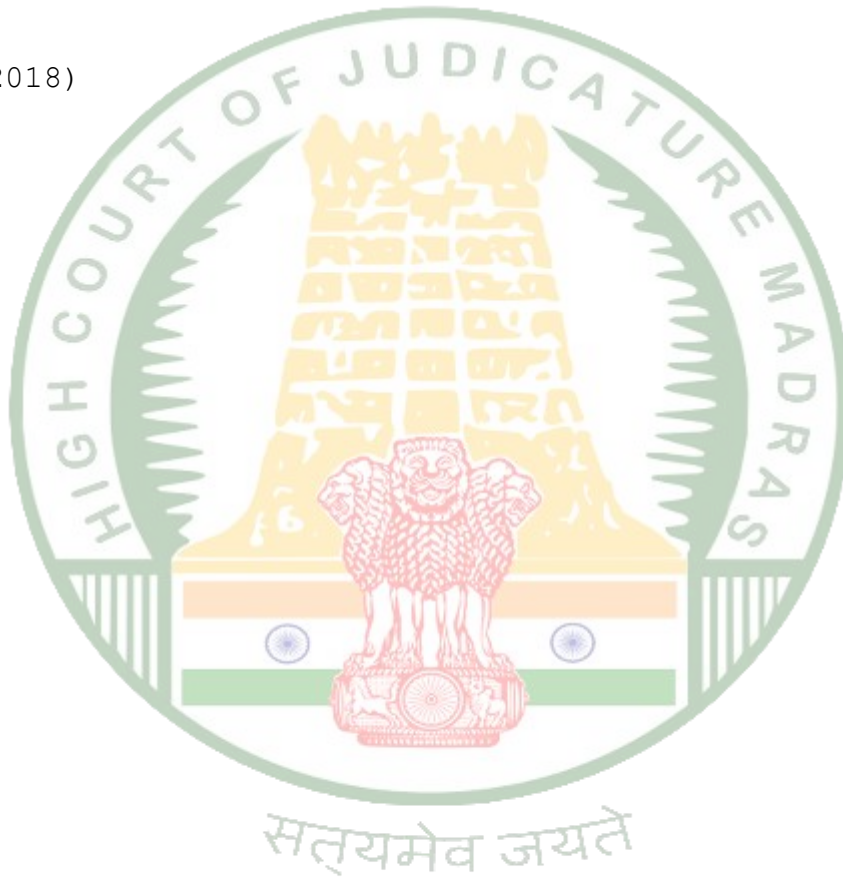
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2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C.V. Kumar, Advocate sr 19004.

Cr1.O.P.No.4982 of 2018

PVS (CO)
SP (09/04/2018)



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