

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6979 of 2018

in Crl.M.P.No.3607 of 2018

V.KuppuswamyPetitioner/Accused 1
Vs.

1.State Represented by
The Inspector of Police,
Civil Supplies C.I.D
Chennai 600 052.
(Crime No.222/2012)

2.R.RameshRespondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records to quash the FIR registered in Cr.No.222/2012, by the respondent police insofar as it relates to the petitioner.

For Petitioner: Mr.J.Muthukumaran

For R1 : Mrs.P.Kritika Kamal
Government Advocate (Crl.side)

For R2 : No Appearance

ORDER

The prayer sought for in the present petition is to quash the FIR registered in Cr.No.222/2012 on the file of the first respondent police.

2. The petitioner has been arrayed as a first accused in FIR No.222 of 2012 by the respondent herein for alleged offences under Section 6 (2) (3) of TNSC(RDCS) Order 1982 r/w 7(1) (a) (ii) of E.C. Act 1955. Though the FIR came to be registered on 21.11.2012, the final report is yet to be filed and the investigation is said to be pending. The learned counsel for

the petitioner submitted that the amount alleged to have been misappropriated in the complaint, has been repaid by the petitioner to the society.

3. Though the petitioner has re-paid the alleged misappropriated 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 are yet to file the final report or charge sheet.

4. Today, when the matter was called, the learned Government Advocate (Crl.Side), on instruction, submitted that the investigation is still pending.

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 seven 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 out come of the final report of investigation for more than seven years. In the mean time, he also retired from his 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 respondents herein are permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. The proceedings in Crime No.222 of 2012, on the file of the Inspector of Police, Civil Supplies CID, Chennai, is hereby quashed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sj1

To

1.The Inspector of Police,
Civil Supplies C.I.D
Chennai 600 052.

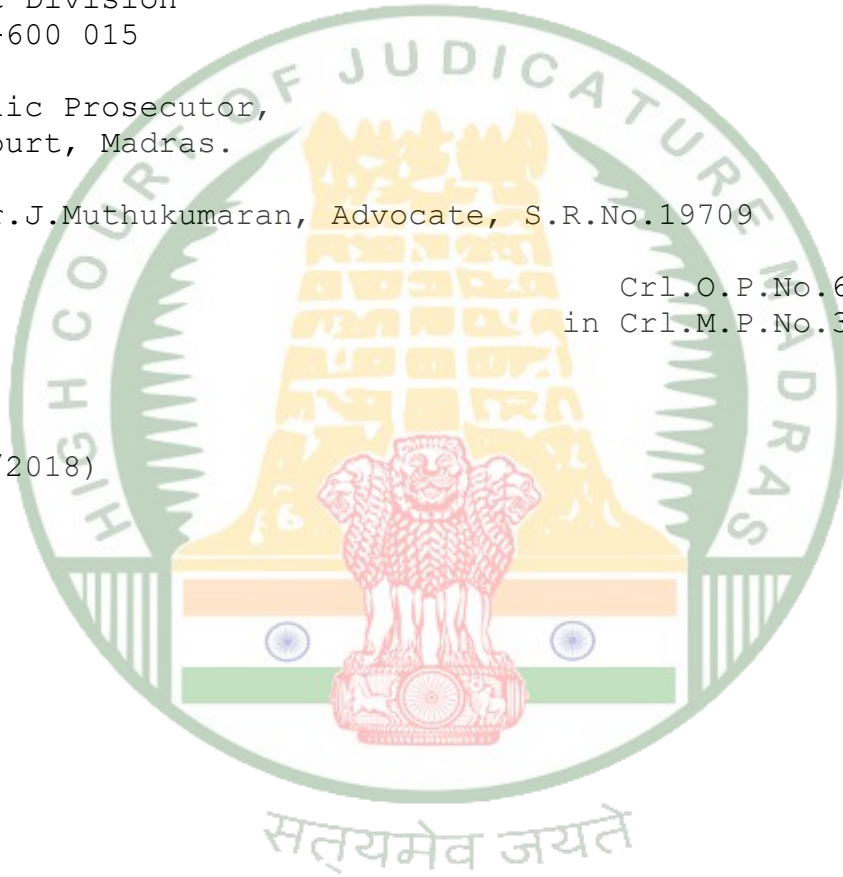
2.Deputy Commissioner,
Civil Supplies &Consumer
Protection Department
saidapet Division
chennai-600 015

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.19709

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kk(CO)
GSP(04/04/2018)



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