

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.15162 of 2013

and

M.P.No.1 of 2013

A.Tamilarasu

.. Petitioner

Vs

State Represented by
The Inspector of Police,
Omalur Police Station,
Salem District.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.271 of 2013 dated 02.05.2013 on the file of Inspector of Police, Omalur Police Station, the respondent herein and quash the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

The Inspector of Police, Omalur Police Station registered FIR in Crime No.271/2013 on 02.05.2013 against the petitioner herein for an alleged offences punishable under Section 7(1) (a) Criminal Law Amendment Act and under Section 151 Cr.P.C and the accused was arrested on the same day.

2. The learned Government Advocate (Crl.Side) would contend that the investigation is still pending and final report has not yet been filed.

3. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner would contend that since the maximum punishment prescribed under Section 7 (1) (a) Criminal Law Amendment Act is six months, the investigation should have been completed within six months from the date of the arrest of the accused and that the Investigation Officer cannot file a final report, hereafter, as it is barred under Section 468 of Cr.P.C.

4. The learned Government Advocate (Crl.Side), would contend that Investigation Officer requires further time to complete the investigation which is just and necessary, though the period of six months from the date of arrest of the accused had already lapsed. The Fir was registered in the year 2013 and almost 5 years have elapsed.

5. It is to be noted that FIR was registered in the year 2013 and even after a lapse of 5 years final report has not been filed. Therefore, in the facts and circumstances of the present case, the FIR in Crime No.271/2013 on the file of the first respondent is liable to be quashed.

6. In the result, this petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

dss

To

1. The The Inspector of Police,
Omalur Police Station,
Salem District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankara Subbu, Advocate SR.No.40778

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KK(CO)
GN(31/07/2018)

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