

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.28474 of 2018

S. Karthik

.. Petitioner

. Vs .

State rep. by Inspector of Police,
Tiruppur North Police Station,
Tiruppur, Tiruppur District.
(in Crime No.766 of 2013)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to and quash the F.I.R.No.766 of 2013 dated 6.9.2013, on the file of the respondent herein as against the petitioner/5th accused.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

This petition has been filed seeking to quash the FIR in Crime No.766 of 2013. The petitioner has been arrayed as A5 in the FIR. The FIR has been registered for an offence under Sections 147, 148, 294(b), 323, 324, 332, 336, 353, 354, 452 IPC and Section 4 of TNPWH Act of 1998, and Section 3 of TNPPDL Act 1992.

2. Earlier A9, A12, A16, A17, A18, and A22 prayed this Court seeking to quash the FIR and this Court passed the following order.

"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 and 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."

3. The petitioner's name is not found in the FIR and only three names are found in the FIR. Therefore, the above Judgment relied by the learned counsel for the petitioner, will squarely apply to the facts of the case. No useful purpose will be served by keeping the FIR pending against the petitioner, since the FIR was registered in the year 2013, and there is absolutely no progress in the investigation.

4. In view of the above, the FIR in Crime No. 766 of 2013, on the file of the respondent police is hereby quashed, insofar as this petitioner is concerned and accordingly the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

KP

Sub Assistant Registrar

To

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

2.The Additional Public Prosecutor,
High Court of Madras, Madras.

+1 cc to M/s.J.Franklin, Advocate, SR No.84211

CrI.O.P. No.28474 of 2018

mg(co)
ssm(19/12/18)