

INTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. No.29471 of 2018

1.M.E.Sirasudeen
2.P.Sakthivel

.. Petitioners

. Vs .

The State rep. by,
The Inspector of Police,
Thiruppur North Police Station,
Thiruppur.

..Respondent

Crime No.766 of 2013

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the case in Crime No.766 of 2013, on the Respondent and quash the same.

For Petitioners: Mr.K.Sudhakar

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R in Crime No.766 of 2013, pending on the file of the respondent Police. The petitioners have been arrayed as A2 & A3 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.The first information report came to be registered on 06.09.2013. It is seen that there is an inordinate delay in completing the investigation and till today no final report has been filed. Such unexplained and inordinate delay by itself is a ground to quash the FIR. Even, if the investigation is permitted to be continued, it will be a futile exercise since there is an inordinate delay and the investigation will not see its logical conclusion.

3.It is also seen from records that this Court has already quashed the FIR insofar as almost all the other accused persons. Therefore, no useful purpose will be served by keeping the FIR pending against the petitioners, and it will in fact be a stumbling block for their future life.

4.This Court insisted for an affidavit to be filed by the petitioners to the effect that they will not involve themselves in any violence in future. The petitioners have filed an affidavit before this Court expressing their unconditional apology, and undertaking that they will not involve in any violence in future. The said undertaking affidavits are taken on file and it shall form part and parcel of this order.

In the result, the FIR in Crime No.766 of 2013, pending on the file of the respondent Police is hereby quashed. Accordingly, this criminal original petition is allowed.

Xerox Copy of Affidavit Attached.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Thiruppur North Police Station,
Thiruppur.

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

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RK(CO)
GN(28/01/2019)

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