



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.15960 of 2018
and
Crl.M.P. (MD) .No.7080 of 2018

M.Maruthupandian ...Petitioner / Accused No.2
Vs.
1.The State represented by
The Inspector of Police,
Solavanthan Police Station. ...1st Respondent / Complainant
(Crime No.366 of 2015)
2.Pasumpon ...2nd Respondent / De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in F.I.R. in Crime No.366 of 2015 dated 28.12.2015 on the file of the first respondent and to quash the alteration report against the petitioner No.2 in Crime No.366 of 2015.

For Petitioner

:Mr.K.S.Duraipandian

For R1

:Mr.S.Bharathi
Government Advocate

O R D E R

This petition has been filed to quash the First Information Report in Crime No.366 of 2015, on the file of the first respondent.

2.It is seen from the records that initially a First Information Report was registered on 28.12.2015, for the offences under Sections 341, 506 (i), 448 r/w 11(IV), 12 of POCSO Act, 2012 and altered as 448, 341, 506 (i), 34 I.P.C. 11(IV), 12 of POCSO Act.

3.The entire allegations in the complaint was as against one Rajkumar, who is said to have committed the offence. After a period of six months, the de facto complaint was taken to the learned Judicial Magistrate and a statement under Section 164 Cr.P.C was given by her on 13.06.2016. In the said statement, she has referred the name of the petitioner on the ground that the petitioner threatened her and asked her to accept the love offer made by the accused person Rajkumar.

4. Subsequently, the First Information Report was altered in the year 2018 and the petitioner was also added as an accused in the pending First Information Report for offences that were altered



under Sections 448, 341, 506 (i), 34 I.P.C. 11(IV), 12 of POCSO Act. The petitioner was also arrested and released on bail.

5.The learned counsel appearing for the petitioner would submit that the First information Report has been pending from the year 2015 and the petitioner was roped in as an accused in the year 2018, based on the 164 Cr.P.C statement given by the de facto complainant. The learned counsel would further submit that the whole exercise is attended with mala fide and there is more than what meets the eye.

6.In this case, the learned counsel appearing for the petitioner further submitted that the respondent police is keeping the First Information Report pending and therefore he is left with no other option, except to file this petition to quash the First Information Report.

7.The learned Government Advocate would submit that the petitioner was added as an accused based on the 164 Cr.P.C statement given by the victim. He would further submit that the investigation is almost completed and a final report will be filed shortly.

8.Taking into consideration the facts and circumstances of the case, this Court deems it fit to direct the first respondent to file a final report within a period of one month from the date of receipt of copy of this order. The petitioner can raise all the grounds at an appropriate point of time. At this stage, this Court is not in a position to interfere with the First Information Report registered against the petitioner and other accused persons.

9.The Criminal Original Petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

tsg

To

- 1.The Inspector of Police,
Solavanthan Police Station.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.S.DuraiPandian, Advocate in SR.83240