



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.18389 of 2018

and

CRL.MP(MD).No.8203 of 2018

S.Karunass

...Petitioner/Accused No.1

Vs.

1.The State

Represented by the Inspector of Police

Puliangudi Police Station

Tirunelveli District

...Respondent/Complainant

2.Subbaiah Pandian

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pursuant to the FIR in Crime No.398 of 2017 pending on the file of the Inspector of Police, Puliangudi Police Station, Tirunelveli District and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.G.Thalaimutharasu

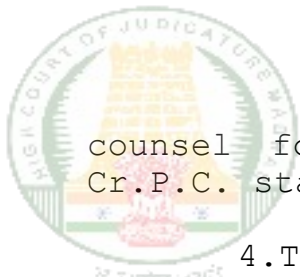
For R1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.398 of 2017.

2.The respondent police have registered the F.I.R against the petitioner for the alleged offences under Section 147 I.P.C and Section 3 of TNPPDL Act. The incident is said to have taken place on 01.09.2017 and the First Information Report has been registered on the same day.

3.The learned counsel appearing for the petitioner would submit that a false case has been given against the petitioner and 161 Cr.P.C statement that has been recorded by the Investigating Officer would clearly show that the petitioner was not present in the place of occurrence. Therefore, the learned



counsel for the petitioner wanted to place reliance on 161 Cr.P.C. statement.

4.The learned Government Advocate appearing for the respondent would submit that this Court can only look at the allegations made in the F.I.R, while considering the petition to quash the F.I.R. Insofar as 161 Cr.P.C statement that was relied upon by the learned counsel for the petitioner, the learned Government Advocate would submit that those statements are taken in the course of investigation and it can be relied upon only after the final report is filed by the respondent police.

5. This Court is of the view that the statement recorded by the respondent police cannot be taken into consideration, at the time of considering the petition to quash the F.I.R.

6.The F.I.R is of the year 2017 and there shall be a direction to the first respondent to complete the investigation and to file the final report within a period of two months from the date of receipt of copy of this order. After filing of the final report, it is left open to the petitioner to challenge the final report, if so advised. At this stage, this Court does not want to interfere with the pending F.I.R.

7.With this observation, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Inspector of Police
Puliangudi Police Station
Tirunelveli District

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

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