



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.(MD)No.14259 of 2013

1.Arunachalam
2.Latha

... Petitioners

Vs.

1.The Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.
(Crime No.117 of 2010)

2.Muppidathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned FIR dated 23.3.2010 in Crime No.117 of 2010 on the file of the 1st respondent and quash the same in so far as the petitioners are concerned.

For Petitioners	: Mr.V.Sasikumar
For R1	: Mr.A.Robinson, G.A.(Cr1.side)

ORDER

This Criminal Original Petition has been filed to call for the records relating to the impugned FIR dated 23.3.2010 in Crime No.117 of 2010 on the file of the 1st respondent and to quash the same in so far as the petitioners are concerned.

2.Today, when the matter is taken up for hearing, the learned Government Advocate (Cr1.side) appearing for R1 submitted that after completing the investigation, a final report has been filed and the same was taken on file in C.C.No.10 of 2017 by the learned Judicial Magistrate, Tenkasi. Therefore, the prayer sought for in this petition becomes infructuous.

3.However, the learned counsel appearing for the petitioners submitted that the offences mentioned in the FIR are all punishable with three years. Hence, the petitioners are entitled the relief as stipulated under Section 482 Cr.P.C.

4.As of now, since the case records are available before the learned Judicial Magistrate, Tenkasi, this Court is not in a position to see the original records. Hence, the petitioners are permitted to file a petition under the provisions of Section 239



Cr.P.C. If the said petition is filed by the petitioners, the learned Judicial Magistrate, Tenkasi has to dispose of the petition within a period of one month from the date of filing of the said petition.

5. With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate, Tenkasi.

+1cc to M/S.V.Sasikumar, Advocate SR.No. 49492

Cr1.O.P.(MD)No.14259 of 2013

gns

JM/SKN RSK/SAR 4/15.03.2018/2P/3C