



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.14670 of 2011
and
Cr1 MP(MD)No.2673 of 2018

1.Thavasi Rajan

2.G.Senthamizh Selvan
@ Tamil Selvan

... Petitioners

Vs.

1.State through Inspector of Police,
B6, Jaihindpuram Police Station,
Madurai City, Madurai.
(Crime No.1063 of 2011)

2.V.Srinivasan

... Respondents

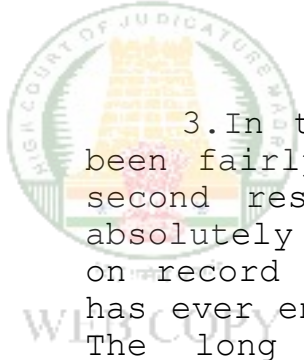
Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to F.I.R in Crime No.1063 of 2011 pending on the file of the first respondent police and quash the same.

For Petitioners : Mr.T.K.Gopalan
For Respondents : Mr.A.Robinson,
Govt.Advocate (Cr1.Side) for R1

ORDER

The petitioners seek quashing of the impugned F.I.R in Crime No.1063 of 2011 on the file of the Inspector of Police, Jaihindpuram Police Station, Madurai City for the offences under Sections 420, 406, 379 IPC. The defacto complainant is one V.Srinivasan. He has been shown as the second respondent.

2.The case of the defacto complainant is that he entrusted his bus bearing Registration No.PY 01 D 3427 which met with an accident for repair works. According to him, the petitioners did not return the bus to him. Even according to the second respondent, the incident had occurred as early as in the year 1995. The F.I.R itself was registered in the year 2011. Thus, the case has been registered after 16 years. This Court had granted interim order while entertaining this Criminal Original Petition. To vacate the same, the police filed vacate stay petition.



3. In the affidavit filed in support of this petition, it has been fairly stated that notwithstanding issuance of summons, the second respondent has not chosen to appear. The complaint is absolutely bereft of any material particulars. There is nothing on record to show that the second respondent/defacto complainant has ever entrusted the bus in question with the petitioners herein. The long delay also throws considerable doubt on the very genuineness of the complaint. We are now in the year 2018. It would be simply impossible for the police to undertake any kind of investigation.

4. Taking note of all these aspects, in the interest of justice, the impugned F.I.R stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police,
B6, Jaihindpuram Police Station,
Madurai City, Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.T.K.Gopalan, Advocate SR.No. 72984

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JM/PN/SAR 3/27.07.2018/2P/4C