

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.32095 of 2019

and

Cr1.M.P.No.17621 of 2019

Madhan

...Petitioner

Vs

The State rep. by
The Inspector of Police,
M5 Ennore Police Station, Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in pursuant to the FIR in Crime No.2798 of 2013 pending on the file of M5, Ennore Police Station, Chennai for the offenses under section 341, 294(b), 336, 427, 392 r/w 397, 506(ii) of IPC.

For Petitioner : Mr.M.Manimaran

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

The petitioner has been impleaded as an accused for the offenses under Sections 341, 294(b), 336, 427, 392 r/w 397, 506 (ii) of IPC in the year 2013. Though the FIR was registered on 25.12.2013, till date the investigation has not been completed and therefore, sought for quashing of the FIR in Crime No.2798 of 2013 pending on the file of the respondent Police.

2.The learned Additional Public Prosecutor would submit that the respondent Police are proceeding with the investigation and they would complete the same as early as possible and therefore, sought for dismissal of the petition.

3.In identical circumstances, the Hon'ble Apex Court in the case of Biswanath Prasad Singh Vs. State of Bihar, reported in MANU/SC/1142/1994 has held that inordinate delay in filing of the chargesheet would deny the petitioner's right to a speedy

trial. In the said decision, before the Apex Court, the delay was for five years and the Hon'ble Apex Court felt it fit to have the prosecution quashed. In the instant case, the delay is for more than six years. By applying the ratio of the decision of the Hon'ble Apex Court in the above said decision, this Court is of the view that the investigation is liable to be quashed in the present case also. In the light of the above cited decision, the FIR in Crime No.2798 of 2013, pending on the file of the respondent Police, stands quashed.

4.The Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg

To

1.The Inspector of Police,
M5 Ennore Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Mohamed Riyaz, Advocate Sr.100226

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