



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

Cr1.O.P.[MD]No.2746 of 2019

and

Cr1.M.P.(MD)No.1524 of 2019

Anjo Antony : Petitioner/Accused No.20

Vs.

1.The State represented by  
The Inspector of Police,  
Munnerpallam Police Station,  
Tirunelveli District.  
(in Crime No.159 of 2013) : 1<sup>st</sup> Respondent/Complainant

2.D.R.Arun : 2<sup>nd</sup> Respondent/  
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of FIR in Crime No.159 of 2013 on the file of the respondent No.1 police station and quash the same.

For Petitioner : Mr.S.M.A.Jinnah

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Cr1.Side)

#### **ORDER**

The present petition is filed to quash the FIR in Crime No.159 of 2013 on the file of the first respondent police.

2.Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondent police.

3.The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in a case in Cr.No.159 of 2013 for the offences punishable under Sections 147, 148, 448, 380 of IPC and Section 3 of TNPPDL Act. He further added that as per the FIR, the petitioner has been arrayed as 20<sup>th</sup> accused and the FIR narrates and alleges that the assault was by the third year students on the first year students and damage of property.

4.The learned Counsel for the petitioner further submitted that the petitioner since has been graduated continues to be under the shade of criminality as the Investigation Agency has not chosen to file final report till date.



5. When the case came up before this Court on 22.02.2019, a statement was made on behalf of the prosecution that the final report has been laid on 30.11.2015 before the learned Judicial Magistrate No.V, Tirunelveli and that it has not yet been taken on file. This Court, therefore, called for a report from the Chief Judicial Magistrate, Tirunelveli and the said report has reached this Court, as per which, no final report has been filed.

6. The learned Government Advocate corrects his earlier statement and registers his regret that he was wrongly instructed on the earlier occasion that the final report was filed.

7. This indicates that the Investigation Agency sleeps over the investigation of the criminal case, affecting the dignity and the honour of accused involved endlessly. It has hampered the smooth running of judicial wheel in ensuring that the justice is done in every cases. Turning to the allegation *per se*, this Court does not find any material to quash the FIR.

**8. The concerned Investigating Officer is directed to pay a cost of Rs.2000/- (Rupees two thousand only) for misleading the court and wasting the precious time of the Court. The said amount shall be paid to the credit of District Siddha Medical Officer CCRI PKM, A/cNo. 10767823177, IFSC Code: SBIN0000898, MICR Code: 625002601, SBI Periyakulam, on or before 29.04.2019.**

9. The Registry is directed to send a copy of this order, duly highlighting the penalty imposed by this Court on the Investigating Officer for giving false instruction to the Law Officer of the State, to the Superintendent of Police, Tirunelveli District.

10. This Criminal Original Petition is disposed of. However, the Registry is directed to post this matter on 30.04.2019 for reporting compliance. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

cmr

To

1. The Inspector of Police,  
Munnerpallam Police Station,  
Tirunelveli District.



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

Copy to

1. The Superintendent of Police,  
Tirunelveli.
2. The District Siddha Medical Officer,  
CCRI PKM, Periyakulam, Theni.

+1CC TO MR.S.M.A.JINNAH, Advocate Sr. No. 57305

Crl.O.P.[MD]No.2746 of 2019  
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TR (27.04.2019) 3P 6C