



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CrI.O.P.[MD]No.3031 of 2019

and

CrI.M.P.(MD)No.1685 of 2019

WEB COPY

1.Natarajan
2.M.Bharathi
3.Mani

: Petitioners

Vs.

1.State rep by its
The Inspector of Police,
Kannivadi Police Station,
Dindigul.

2.K.Velmurugan

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.55 of 2017 on the file of the 1st respondent dated 15.03.2017 and quash the same.

For Petitioner

: Mr.A.Chandra Kumar

For R1

: Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (CrI.Side)

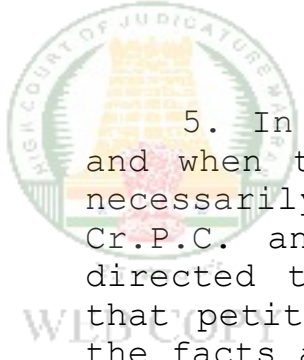
O R D E R

The present petition is filed to quash the FIR in Crime No.55 of 2017 registered for the offence under Sections 294(b) and 323 IPC.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondents. This Court has paid its anxious consideration to the submissions made on either side.

3. The learned counsel for the petitioner submitted that the charge sheet in this case has not been laid yet and the same is barred under Section 468 Cr.P.C.

4. On going through the FIR, *prima facie* this Court finds that there are specific allegations to constitute an offence and also there are facts indicating the involvement of the petitioner in the scene.



5. In such circumstances, this Court is of the view that as and when the charge sheet is laid, the Investigating Agency may necessarily has to seek for condoning the delay under Section 473 Cr.P.C. and as and when the same is filed the trial Court is directed to issue notice to the petitioner herein, hear him on that petition, and take such appropriate decision on the same as the facts and circumstances of the case warrant.

6. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Kannivadi Police Station,
Dindigul.

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

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12.03.2019

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