



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CRL OP(MD) No.3093 of 2019

RANJITH @ RANJITH KUMAR

... PETITIONER / ACCUSED No. 2

Vs

1 THE STATE THROUGH,
THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT

... RESPONDENT No. 1/DE-JURE
COMPLAINANT

2 SUKUMAR

... RESPONDENT No. 2/DE-FACTO
COMPLAINANT

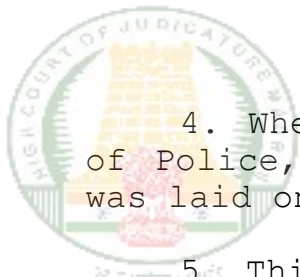
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for the records connected with the F.I.R. in Crime NO.14 of 2019 on the file of the Respondent NO.1 and quash the same as illegal as against the petitioner.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.ALAGUMANI Advocatefor the petitioner and of MR.V.NEELAKANDAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the 1st Respondent, the court made the following order:-

This petition has been file to quash the First Information Report.

2. When the case was posted before this Court on 28.02.2019, the learned Additional Public Prosecutor made a statement on instruction that the charge sheet was laid on 05.02.2019. Reacting on the statement, this Court disposed of the matter. But it has also required the concerned Magistrate and the learned Chief Judicial Magistrate to file report as to the correctness of the statement made. Today, this matter is posted for perusing the report.

3. A report dated 20.03.2019 has since been received stating that as per the CAS system presently in vogue, no final report has been filed.



4. When the matter is taken up, Mrs. P.Athilakshmi, Inspector of Police, Kadayam Circle, made a statement that the final report was laid only on 26.03.2019.

5. This would make clear that the instruction given to learned Additional Public Prosecutor on the earlier occasion was wrong. Since this issue is quite prevalent on server instances which this Court has come to experience on a daily basis, this Court choose to impose cost of Rs.2000/- (Rupees two thousand only) on the Inspector of Police for providing false instruction to the Law Officer of the State and for wasting time of this Court. A sum of Rs.2000/- (Rupees two thousand only) is directed to be deposited before the Chief Minister's relief fund.

6. Since it is stated that the final report has been filed on 20.03.2019 the petitioner is at liberty to challenge the final report if there are grounds available.

sd/-
28/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:- THE DISTRICT COLLECTOR,
MADURAI.

+1. CC to MR.R.ALAGUMANI Advocate SR.No.57580

ORDER
IN
CRL OP(MD) No.3093 of 2019
Date :28/03/2019

MSI/JC/SAR 2/11.04.2019/2P-5C