



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.3702 of 2019

in

Crl.M.P.[MD].No.2154 of 2019

D.Saravanan : Petitioner / 1st Accused

/Vs./

1.The State represented by
The Inspector of Police,
Cantonment Police Station,
Trichy District. : 1st Respondent / Complainant
[Crime No.856 of 2016]

2.Sathishkumar : 2nd respondent / Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.856 of 2016 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.T.Lenin Kumar
For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

ORDER

The present petition is filed by the petitioner / A1 to quash the FIR in Crime No.856 of 2016 on the file of the 1st respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side).

3. The learned counsel appearing for the petitioner submitted that the petitioner faces accusation under Sections 447, 294(b) and 506(i) IPC, that he is a practising advocate and a false complaint is foisted against him and that even after three years period, the prosecution has not laid the final report.

4. The learned Government Advocate (Crl. Side) submitted that on the night of the date of occurrence, the petitioner had came to the house of the defacto complainant along with few other men, introduced himself as a practising lawyer and intimidated and held out threats to vacate the building.



5. This Court does not go into the merit of the accusation made against the petitioner. Suffice to say for the present that the FIR on its face discloses the commission of offence and involvement of the petitioner. Indeed he has been named in the FIR as well. Sofar the non filing of the final report within the limitation period under Section 468 Cr.P.C., is concerned, this Court directs as and when the charge sheet is laid with any application for condoning the delay under Section 473 Cr.P.C., the petitioner should be put on notice and be heard on the same before the Court and decide whether the delay must be condoned and final report must be taken on file.

6. With the above observations, 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,
Cantonment Police Station,
Trichy District.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-53022[F] dated 11/03/2019)

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