



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.10.2019
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.6149 of 2017
and
CRL.M.P(MD)No.4110 of 2017

1.Rajamoni
2.Premalatha .. Petitioners/Accused Nos.1 & 2

Vs.

1.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.52/2017) .. 1st Respondent/Complainant

2.Jackson .. 2nd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.52 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.S.Chandra Sekaran for R1
Additional Public Prosecutor
Mr.A.Thiruvadi Kumar for R2

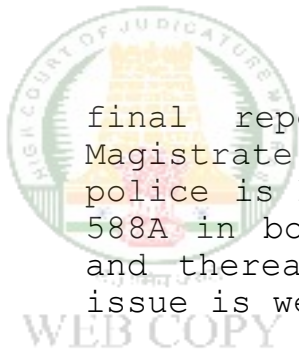
ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.52 of 2017 pending investigation before the first respondent police.

2.It is seen from the records that based on the complaint given by the second petitioner, an FIR has been registered by the respondent police in Crime No.53 of 2017 against two other persons for the very same incident for the offence under Sections 147, 323, 506 (i) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act.

3.Heard, the learned counsel for the petitioner, learned Additional Public Prosecutor on behalf of the first respondent and the learned counsel appearing for the second respondent.

4.This Court had granted stay of investigation and in spite of the same, the first respondent police have gone ahead and filed a
<https://hcservices.ecourts.gov.in/hcservices/>



final report in the year 2018, before the learned Judicial Magistrate No.II, Padmanabapuram. In a case of this nature, the police is bound to conduct the investigation in accordance with PSO 588A in both the case and counter and find out the real aggressor and thereafter proceed to file a final report. The law and the issue is well settled.

5.In view of the above, there shall be a direction to the first respondent to investigate the FIRs in Crime Nos.52 of 2017 and 53 of 2017 in accordance with PSO 588A and complete the investigation within a period of three months and file a final report before the concerned Court.

6.This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

1. The learned Judicial Magistrate No.II,
Padmanabapuram.
2. The Inspector of Police, Thiruvattar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.M.SARAVANAN, Advocate (SR-94847[F] dated 30/10/2019)
+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-94997[F] dated
30/10/2019)

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