

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.306 of 2020
and Crl.M.P.No.194 of 2020

M.Arumugam,
S/o.Muthu,
No.22, Vanniar Street,
Chennai - 600 001.

... Petitioner

Vs.

The Inspector of Police,
B-2, Esplanade Police Station,
Chennai - 600 001.
Crime No.476 of 2010.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the same in Crime No.476 of 2010 pending on the file of the respondent police.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

ORDER

This petition has been filed to quash the FIR in Crime No.476 of 2010 on the file of the respondent police, registered for the offences under Sections 147, 148, 341, 324, 307, 506(ii) of IPC, as against the petitioner.

2. The case of the prosecution is that the petitioner and the defacto complainant are the partners in the real estate business. In their business, there was a dispute in sharing the profit of the business and due to which there was an enmity between them. While being so, the defacto complaint lodged complaint alleging that on 02.08.2010, at about 3.00 p.m., the petitioner and their friends jointly attacked the defacto complainant with deadly weapons and demanded a sum of Rs.5,00,000/-. When the defacto complainant escaped from the

petitioner and his friends, he jumped from the second floor of the building and he was sustained injuries on his entire body. Therefore, the respondent police registered a case in Crime No.476 of 2010 for the offences under Sections 147, 148, 341, 324, 307, 506(ii) of IPC, as against the petitioner and others.

3. The learned counsel appearing for the petitioner would submit that the FIR was registered in the year 2010, and thereafter, the defacto complainant did not cooperate for enquiry and the case is pending for investigation till 2015. In the year 2015, the defacto complainant himself died. Even then, the respondent without conducting any enquiry simply kept the FIR as pending. Therefore, he sought for quashment of the FIR in Crime No.476 of 2010.

4. Heard Mr.V.Balamurugan, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent.

5. On perusal of FIR, it is seen that when the defacto complainant escaped from the accused persons, he fell down and sustained injuries. It is also seen that the occurrence alleged to have taken place in the advocate office. Further it is alleged that in the advocate office the petitioner and his friends threatened the defacto complainant with dire consequences. It is also seen that the FIR is pending for the past ten years without any progress. Now the complainant is no more as such the pendency of the FIR would not serve any purpose. Considering the above facts and circumstances of the case, to meet the ends of justice, this Court is inclined to quash the FIR.

6. Accordingly, this Criminal Original Petition stands allowed and the FIR in Crime No.476 of 2010 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

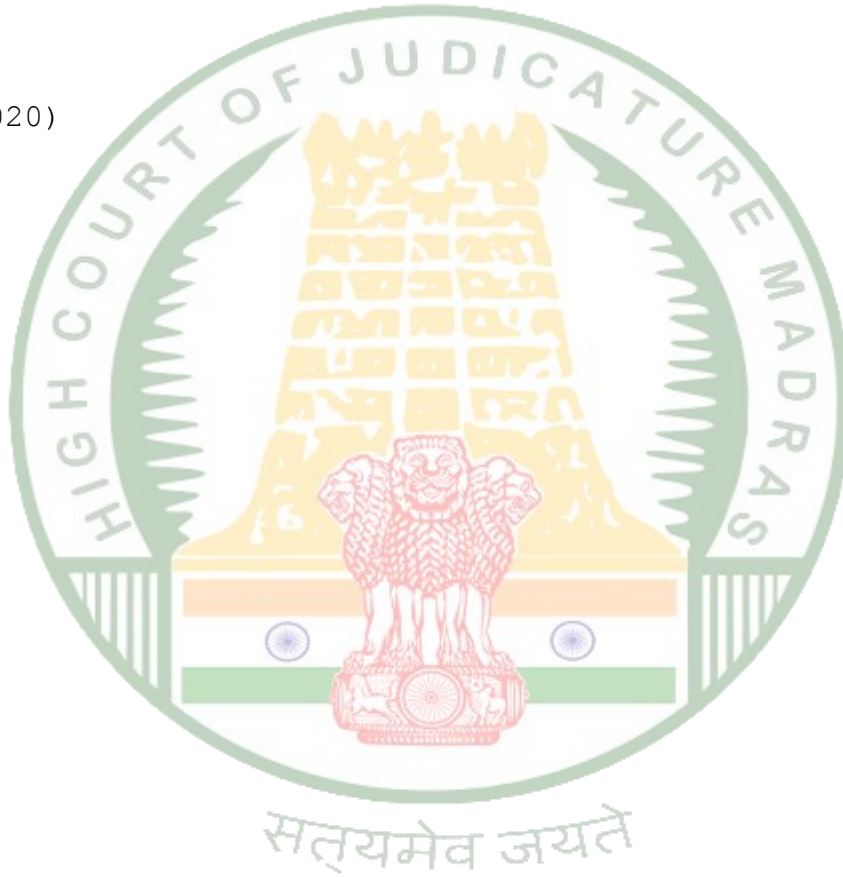
1. The Inspector of Police,
B-2, Esplanade Police Station,
Chennai - 600 001.

2. The Public Prosecutor,
Mardas High Court,
Chennai.

+2cc to Mr.V.Balamurugan, Advocate in SR.NO..29079

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