

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.23020 of 2016 and  
CrI.M.P.No.10808 of 2017

1.M.Selvaraj  
2.S.Amudha

...Petitioners

Vs.

The State Rep. by Inspector of Police,  
Seyyur Police Station,  
Kancheepuram District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.448 of 2016 in FIR U/s.116, 306, 294(b) IPC and Section 4 of the Women's Harassment Act pending investigation on the file of the Inspector of Police, Seyyur Police Station, Madhuranthagam and on the file Judicial Magistrate, Madhuranthagam.

For Petitioner : No Appearance

For Respondent : Mr.C.Iyyappa Raj,  
Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.448 of 2016 on the file of the respondent.

2.No representation for the petitioner either in persons or by their respective counsel.

3.The contention of the petitioners is that the occurrence is said to have taken place on 18.09.2016 and thereafter, the deceased Kalavathy was immediately admitted in the Government Hospital, Chengalpet. From there, she was referred to the Government Kilpauk Medical College, Chennai, where the dying declaration was recorded by the learned IX Metropolitan Magistrate, Saidapet, Chennai on 18.09.2016. But, in the FIR, it is mentioned that on 19.09.2012, one S.K.Palani, Sub Inspector of Police, Seyyur Police, Kancheepuram recorded the dying declaration. On this discrepancy, the petitioner filed the present petition.

4.The learned Additional Public Prosecutor appearing for the respondent submitted due to interim stay granted by this Court on 20.10.2016, the investigation could not be progressed and the same is still pending.

5.The discrepancies with regard to registration of FIR and recording of dying declaration, ought to be brought during the investigation, only on this ground, the FIR could not be quashed.

6.In view of the same, this Criminal Original Petition is dismissed. Taking into consideration of FIR is of the year 2016, the respondent Police is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,  
Seyyur Police Station,  
Kancheepuram District.
2. The Public Prosecutor,  
High Court, Madras.

Cr1.O.P.No.23020 of 2016

CP(CO)  
RV(21/10/2020)

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