

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.28244 of 2019

and

Cr1.M.P.No.15074 of 2019

Nagaraj

...Petitioner/Accused

.Vs.

State Rep., by,
The Inspector of Police,
Kaniyur Police Station,
Crime No.144 of 2019,
Tirupur district.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.144 of 2019 on the file of respondent, Kaniyur Police Station, Tiruppur District and quash the same in respect of the petitioner is concerned.

For Petitioner : Mr.P.Kalimuthu.

For Respondents: Mr.S.Karthikeyan,
Additional Public Prosecutor.

सत्यमेव जयते
O R D E R

The matter was heard through "Video Conference".

2.This Criminal Original Petition has been filed praying to quash the First Information Report registered in Crime No.144 of 2019 on the file of respondent police as illegal as far as the petitioner is concerned.

3.Heard Mr.P.Kalimuthu, learned Counsel for the Petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent.

4.It is the contention raised by the learned Counsel appearing for the petitioner that during the pendency of the interim order of stay dated 22.10.2019, the respondent police completed the investigation and filed final report on 21.09.2020 which is nothing but the disobedience of the order passed by this Court.

5.Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondent would contend that during the relevant point of time, the stay granted by this Court is not extended and thereby, assuming that the stay is not in force, the respondent police filed final report and hence, it cannot be said that the respondent police disobeyed the order of this Court.

6.In order to verify whether the respondent police are having knowledge in respect of filing of criminal original petition, this Court summoned the Deputy Superintendent of Police, Udumalpet and Inspector of Police, Kaniyur Police Station, Tiruppur District. By obeying the direction given by this Court, both the officers appeared before this Court through Video Conference and made submissions that on 24.07.2019, upon the suo motu, complaint given by one Shanmugam who is the Inspector of Police, the case has been registered against the petitioner in Crime No.144 of 2019 under Section 379 of Indian Penal Code read with Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957. Further, they submitted that they have no knowledge in respect of the filing of this Criminal Original Petition, further they stated in respect of granting of stay, no notice was received by the Inspector of Police, Madathukulam and therefore, in the above mentioned crime number, after completing investigation, final report has been filed on 21.09.2020 and the same was taken on file by the Judicial Magistrate, Madathukulam in C.C.No.88 of 2020.

7.Now on considering the said submissions with relevant records, this Court at the time of admitting this petition, on 22.10.2019 granted an order of interim stay till 27.11.2019. Subsequent to that, the said interim order of stay has not been extended till date. Therefore, visualising the said situation with the prayer sought for by the petitioner, it cannot be said that the filing final report in the above crime number by the respondent police is against the order passed by this Court.

8.Therefore, after filing final report, question of quashing the First Information Report does not arise. However, considering the facts and circumstances of this case, this Court is disposing of this petition after granting liberty to the petitioner for challenging the final report filed in C.C.No.88 of 2020.

9. Accordingly, with the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

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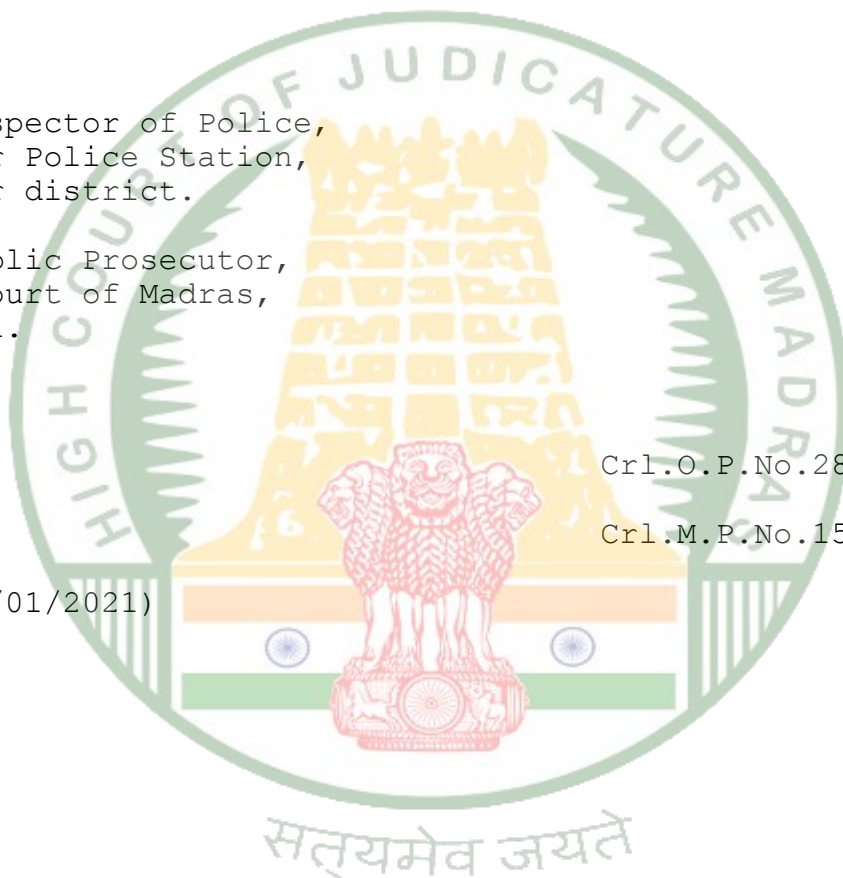
Sub Asst. Registrar

To

1. The Inspector of Police,
Kaniyur Police Station,
Tirupur district.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.28244 of 2019
and
Crl.M.P.No.15074 of 2019

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