

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.NO.32131 OF 2019

AND

CRL.MP.NO.17668 OF 2019

1.Dhanasekar

2.Rajendra Raj Babu @ Rajbabu

... Petitioners/Accused

-vs-

State Rep by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram,
Kanchipuram District.

.. Respondent/Complainant

Prayer:

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for records in Crime No.720 of 2019 on the file of respondent herein and quash the First Information Report against the petitioners herein.

For Petitioners : Mr.A.Saranraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed by the accused Nos.1 and 2 to quash the FIR in Crime No.720 of 2019 on the file of the respondent.

2. The learned counsel for the petitioner has submitted that the respondent herein has registered FIR in Crime No.720 of 2019 against the petitioners herein under Sections 430, 379 of IPC, R/w Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992. He further submitted that the same officer has taken the matter for investigation and seized the vehicle and hence the investigation is vitiated.

3. Per contra, the learned Additional Public Prosecutor has submitted that the case is only at investigation stage and if the final report is filed then only the petitioner can say that the same officer had investigated the matter and filed the final report and therefore the petition is pre-mature one.

4. So far, charge sheet has not yet been filed and therefore at this stage the petitioner's contention that the officer who registered the complaint himself has investigated the matter cannot be accepted. Hence, this petition is liable to be dismissed.

5. In the result, this petition is dismissed. The respondent is directed to expedite the investigation and file final report within four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram,
Kanchipuram District.
2. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.OP.No.32131 of 2019

NR(CO)
CS/28/05/2020

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