



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.10470 of 2020

and

Crl.M.P(MD) No.4808 of 2020

WEB COPY

M.K.Muthukumaran

... Petitioner

-vs-

1.The Inspector of Police,
Valandur Police Station,
Usilampatti Taluk, Madurai District.
(Crime No.32 of 2019)

2.E.Ammavasi

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records in Crime No.32 of 2019 on the file of the first respondent and quash the same as against the petitioner herein.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent No.1 : Mr.S.Chandrasekar

Additional Public Prosecutor

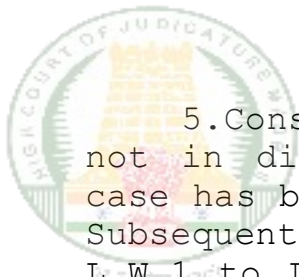
O R D E R

This criminal original petition has been filed to call for the records in Crime No.32 of 2019 pending on the file of the first respondent and quash the same as against the petitioner herein.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3.On perusal of the entire documents filed by the petitioner, it seems that in earlier the very same petitioner herein filed one Crl.O.P(MD) No.8760 of 2019 for quashing the petition mentioned FIR and the same has been dismissed as withdrawn without granting any liberty to the petitioner for filing second application to quash the very same FIR. Therefore, it is obvious that without getting any liberty, the petitioner is not entitled to file a second quash application in respect of the very same crime number. Therefore, I am of the view that the petition filed by the petitioner is liable for dismissal.

4.In this regard, the learned counsel appearing for the petitioner prayed for granting liberty for filing quash application in respect of the charge sheet which is to be filed in the petition mentioned crime number.



5.Considering the facts and circumstances of the case, it is not in dispute that for the petition mentioned occurrence, the case has been registered by the first respondent in the year 2019. Subsequently, so far only eight witnesses have been examined as L.W.1 to L.W.8 and the first respondent herein has not completed the investigation. Therefore, it would be appropriate to direct the first respondent to complete the investigation and file a final report within a time frame.

6.In view of the above, the first respondent is directed to complete the investigation in Crime No.32 of 2019 and file a final report within a period of two months from the date of receipt of a copy of this order and thereafter, the petitioner is at liberty to challenge the charge sheet to be filed in Crime No.32 of 2019.

7.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CP

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Inspector of Police,
Vandalur Police Station,
Usilampatti Taluk, Madurai District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.10470 of 2020

29.09.2020

SS (CO)

KM (07.10.2020) 2P 3C

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