



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10 .03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD)No.16051 of 2016

and

Crl.M.P. (MD)No.7770 of 2016

WEB COPY

Shaju

...Petitioner/Sole Accused

vs.

1. The State Rep.by
The Inspector of Police
Thucakalay Police Station
Kanyakumari District

...Respondent/Complainant

2.Pandiyar

...Respondent/Defacto Complainant

PRAYER: Criminal Petition filed under Section 482 of Cr.P.C., to call for the First Information Report in connection with Crime No.577 of 2015 on the file of the Inspector of Police, Thuckalay Police Station, Kanyakumari District and quash the same.

For Petitioner
For Respondents
No.1
No.2

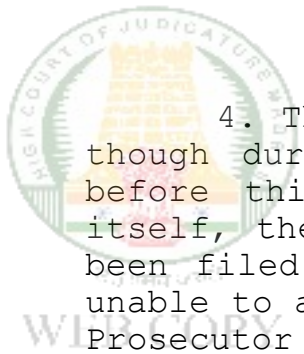
:Mr.D.Christenson Jugunu
:Mr.S.Chandrasekar
Additional Public Prosecutor
:Mr.P.Senthil

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.577 of 2015 on the file of the Inspector of Police, Thuckalay Police Station, Kanyakumari District, as against the petitioner.

2.Alleging that the petitioner herein has broke open the store room and stolen utensils, agricultural equipments and rice of 30 kg, a complaint has been given to the respondent police and a case has been registered under Section 454 and 380 of IPC. As per the complaint, dated 01.07.2015 the alleged occurrence took place on 27.06.2015 and based on the complaint, a case has been registered in Crime No. 577 of 2015. The next day, the petitioner herein was arrested and based on the confession statement, some of the stolen materials have been recovered.

3. When the petitioner earlier approached this Court in Crl.OP (MD) No. 8711 of 2016 to quash the First Information Report, the learned Government Advocate(Crl.Side) reported that final report has been filed before the learned Judicial Magistrate, Thuckalay on 03.07.2015. Recording the same, the quash petition was dismissed by this Court on 09.06.2016. However, after knowing that the final report was not filed, the petitioner herein has filed second quash petition, which is now under consideration by this Court.



4. The learned Additional Public Prosecutor would submit that though during earlier quash petition proceedings it was reported before this Court that final report was filed on 03.07.2015 itself, the statement is not correct. So far, final report has not been filed due to vacancy of the Presiding Officer. This Court is unable to accept the reason stated by the learned Additional Public Prosecutor for not filing the final report for the past four years, more particularly, when the Government Advocate(Crl.Side) had filed a positive report before the Court that final report has been filed before the learned Judicial Magistrate, Thuckalay on 03.07.2015, which on the face of record a false statement. Even thereafter, the respondent police did not take any measure to file the final report.

5. The learned counsel appearing for the petitioner would submit that the present complaint is an imaginary and concocted story. To counter blast the earlier complaint against the defacto complainant, who is the second respondent herein, which was withdrawn by the petitioner, after compromise, the present complaint is filed

6. From going through the records this Court finds that the defacto complainant has given the complaint directly on 01.07.2015 forwarded to the first respondent for investigation. Soon after the receipt of the complaint, within a day, the investigating officer has completed the investigation, but for nearly five years, has not taken care to file the final report. However, he has an audacity to report before this Court that the final report has been submitted before the learned Judicial Magistrate, Thuckalay on 03.07.2015.

7. I find merit in the quash petition. Hence, this Criminal Original Petition stands allowed and as a sequel, the proceedings in First Information Report in Crime No.577 of 2015 on the file of the Inspector of Police, Thuckalay Police Station, Kanyakumari District, is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Thucakalay Police Station
Kanyakumari District

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

+1 CC to M/s.D.CHRISTENSON JUGUNU, Advocate (SR-11179[F] dated
11/03/2020)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-11188[F] dated 11/03/2020)

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