

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8064 of 2021
and
Crl.MP.No.5314 of 2021

K.Manikandan

...Petitioner

Versus

1. The State of Tamil Nadu,
Rep.by the Inspector of Police,
Mandarakupam Police Station,
Mandarakupam-607 802.
Cuddalore District.
(Ref.Crime No.280 of 2017)

2. Ramamoorthy

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.280 of 2017, pending on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.V.Rajesh Babu

For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition is filed seeking to quash the FIR in Crime No.280 of 2017, pending on the file of the 1st respondent for the offences under Sections 279 and 304(A) IPC.

2.The gist of the case is that on 11.12.2017 at 6.30 p.m., while the de facto complainant -Ramamoorthy along with his wife were working in the road, the petitioner, who was riding a two-wheeler bearing Registration No.TN-31-BX-4870 in a rash and negligent manner, dashed the de facto complainant's wife. The de facto complainant, took his wife to the Cuddalore Hospital, where she died on 12.12.2017 at about 2.30 p.m., thereafter the complaint was lodged.

3.The learned counsel for the petitioner submitted that there is a bar in taking cognizance of the offence under Section 468 of Cr.PC., for an offence under Section 304A IPC. He further submitted that within three years the charge sheet to be filed, but, in this case, the occurrence is said to have taken place on 11.12.2017, and now it is more than three years and the charge sheet is yet to be filed. He submitted that on an earlier occasion, there was some confusion with regard to filing of charge sheet.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that though charge sheet has been filed and not taken on file in the court, thereafter copy application filed and the same was returned on 18.02.2021, for the reason no charge sheet available. It is submitted that the previous investigating officer G.Seenuvasan, had completed the investigation and filed a final report on 19.07.2018. Thereafter, he had passed away due to cancer on 03.09.2020. The subsequent Inspector, Meenal had also passed away on 02.10.2020. Hence, there was some confusion in filing charge sheet by the subsequent officer. The present officer on investigation and verification of the entire old documents, found that the charge sheet though made ready, it has not been filed. Hence, on 30.06.2021, he filed the charge sheet before the District Munsif -cum - Judicial Magistrate, Neyveli and the same is yet to be taken on file.

5.In view of the above, the Judicial Magistrate has to decide whether the charge sheet is filed within the period of limitation under Section 473 Cr.PC. If the case is taken on file and CC number assigned, thereafter the petitioner can adjudicate his rights in accordance with law.

6.This criminal original petition is disposed of with the above observation. Consequently,connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif -cum - Judicial Magistrate,
Neyveli.

2. Inspector of Police,
Mandarakuppam Police Station,
Mandarakuppam-607 802.
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Rajesh Babu, Advocate, S.R.No.32385

CRL.O.P.No.8064 of 2021

PCH(CO)
RGA(31/08/2021)