

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Cr1.OP No.8207 of 2021

and

Cr1.M.P No.5418 of 2021

Kalai @ Kalaiarasan

... Petitioner

vs.

The Inspector of Police,
T-3, Korattur Police Station
Chennai.

(Crime No.751 of 2012)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in P.R.C No.04 of 2019 on the file of the learned Judicial Magistrate, Ambattur.

For Petitioner : Mr. P.Muthamizhselvakumar

For Respondent : Mr.A.Damodharan

Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This petition has been filed seeking to quash the charge sheet in P.R.C No.04 of 2019 on the file of the learned Judicial Magistrate, Ambattur.

2. From the allegations made in the petition, no materials have been found against the petitioner. Further, it is submitted by the learned counsel for the petitioner that the de-facto complainant died in the year 2013 and charge sheet was filed in the year 2019 and 161 statement of the de-facto complainant is not available. Other witnesses cited by the prosecution are only hearsay witnesses and no eye witness is available. There is no material on record to proceed against the accused.

3. On a perusal of the records, I am unable to accept the contention of the learned counsel for the petitioner. Though the de-facto complainant is said to have died in the year 2013, some of the witnesses were cited by the prosecution as eye witnesses. Therefore, merely because the de-facto complainant died after the incident due to some other reasons, the complicity of the crime cannot be erased which has to be

tested only in the trial. When the final report has been filed and the materials available to establish the nature of crime unleashed to the de-facto complainant and there are eye witnesses also available and as per the prosecution, mere delay in filing the charge sheet cannot be a ground to quash the FIR.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
T-3, Korattur Police Station
Chennai.

2. The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.O.P. No.8207 of 2021

and Cr1.M.P No.5418 of 2021

SSD(CO)
GN(08/07/2021)

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