



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P. (MD).No.485 of 2021

and

Crl.M.P. (MD)No.222 of 2021

WEB COPY

1.Maruthu

2.Sethu

... Petitioners/Accused No.1 and 2

Vs.

1.The Inspector of Police,

Thirumangalam Town Police Station,

Madurai District. ...Respondent-1/Complainant

2.Dhanasekar

...Respondent-2/Defacto Complainant

3.Thangapandian

... Respondent-3/Victim

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the FIR in Crime No.771 of 2012 on the file of the first respondent police and quash the same in so far as the petitioners/Accused 1&2 are Concerned.

For Petitioners

: Mr.S.Prabhu

For R-1

: Mr.A.Robinson

Government Advocate (Criminal side)

O R D E R

The present petition is filed by the petitioners under Section 482 of Criminal Procedure Code, to quash the FIR in Crime No.771 of 2012 of Thirumangalam Town Police Station, Madurai.

2.The grounds, on which, the present petition to quash the FIR are as follows:

(i)the Police has not done proper investigation;

(ii)the defacto complainant suppressed the earlier complaint lodged by him with the Inspector of Police, Thirumangalam Town Police Station;

(iii)the FIR does not disclose any offence against the present petitioner;

(iv)the Police has not also filed a final report within a prescribed period.

3.A perusal of the records shows that the defacto complainant, who was working in liquor bar, was attacked with Aruval and therefore, the FIR in Crime No.771 of 2012 came to be registered by the respondent Police.

4.In the decision in ***Prashant Bharti Vs., State of NCT of***

<https://hcservices.ecourts.gov.in/hcservices/>



Delhi reported in **(2013) 9 SCC 293**, the Hon'ble Supreme Court has held thus:

"In order to determine the veracity of a prayer for quashing the criminal proceedings raised by an accused under Section 482 Criminal procedure Code, the following questions have to be analysed by the High Court:

(i) whether the material relied upon the accused is sound, reasonable and indubitable i.e, the material is of sterling and impeccable quality.

(ii) whether the material relied upon by the accused is sufficient to reject and overrule the factual assertions contained in the complaint i.e the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) whether the material relied upon by the accused, has not been refuted by the prosecution/complainant and/or the material is such that it cannot be justifiably refuted by the prosecution.

(iv) whether proceeding with trial would result in an abuse of process of the Court and hence would not serve the ends of justice.

In the instant case, none of above questions are answered in the affirmative. In other words the grounds urged by the petitioners cannot be the reason to quash the FIR in Crime No.771 of 2012 on the file of the Thirumangalam Town Police Station, Madurai District.

5.The contention of the learned counsel for the petitioners is that, though the FIR was registered in the year 2012, the Police have not filed a final report in Crime No.771 of 2012 till date.

6.In the circumstances, the Inspector of Police, Thirumangalam Town Police Station, is directed to file a final report in Crime No.771 of 2012 within a period of two months from the date of receipt of a copy of this order/uploading of the order.

7.With the above observations, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



rmk

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

- 1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.485 of 2021
18.01.2021

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KB (05.02.2021) 3P 3C