



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.7453 of 2021

and Crl.M.P(MD)No.3858 of 2021

WEB COPY

Selvaraj

... Petitioner/Accused No.2

Vs.

1.State rep. by

The Inspector of Police,

S.S.Colony Police Station,

Madurai City,

(In Crime No.22 of 2012) ...1st Respondent/Complainant

2.Chandhrasekaran

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case registered in First Information Report in Crime No.22 of 2012 on the file of the first respondent and quash the same.

For Petitioner

: Mr.B.Arun

For R1

: Mr.R.M.Anbunidhi

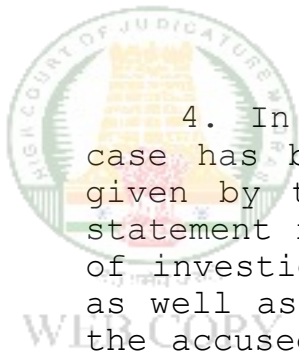
Additional Public Prosecutor

O R D E R

This petition is filed seeking quashment of the First Information Report in Crime No.22 of 2012 on the file of the first respondent.

2. The learned counsel for the petitioner would submit that no public has been affected because of the activities of the petitioner and they have not come forward to give any complaint. Complaint has been registered *suo motu* and even after a lapse of 9 years, there is no progress in the investigation and even as per the averment made in the complaint, no ingredients under Sections 417 and 420 IPC have been made out.

3. The case of the prosecution is that when the police team was in routine patrol duty, they found 5 persons in suspicious circumstances and on enquiry, it is revealed that they were cheating the public by promising to get passport and on further enquiry, it is revealed that the documents in respect of the illegal procuring of passports were prepared with the help of Gokul Xerox and Friends Xerox shops and on the basis of the above statement, case has been registered.



4. In the status report, it has been stated that even though case has been *suo motu* registered, on the basis of the statement given by the accused persons and on the basis of the above said statement further investigation was undertaken and during the course of investigation, search was undertaken and incriminating documents as well as the material objects have been recovered and seized from the accused Nos.6,7 and 8. The above said recovered properties have been handed over to the concerned Judicial Magistrate No.V, Madurai and the same was taken in R.P.R.NO.242 of 2012 and the accused 1 to 5 were arrested and remanded to judicial custody and later they were released on bail. Some of the other accused have also been granted anticipatory bail and because of the connivance of the passport officials, they are not supplying information and also hand over the fabricated documents. The petitioner has also not given the documents to be involved in the above said offence. Therefore, a detailed status report is filed by the first respondent and it is stated that investigation is kept pending in view of inability to complete the investigation.

5. The case is of the year 2012 and even after lapse of 9 years, investigation is kept pending. The materials which are available are not sufficient enough to quash the First Information Report against the petitioner. Even though quashment is not possible, there shall be a direction to the first respondent to complete the investigation and file a final report within period of 4 months from the date of receipt of a copy of this order. After receiving the final report, if the petitioner is aggrieved by the contents of the final report, he is at liberty to work out his remedy through appropriate proceedings.

6. With the above said liberty and direction, this petition is disposed of. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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,
S.S.Colony Police Station,
Madurai City.

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

Crl.O.P. (MD)No.7453 of 2021
and Crl.M.P(MD)No.3858 of 2021
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SS (CO)
GC/PM(17.11.2021) 3P 3C