



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30/07/2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Crl.O.P. (MD)No.10263 of 2021
and Crl.M.P(MD)No.5243 of 2021

WEB COPY

J.Vasanth Kumar

... Petitioner/A4

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District
(Crime No.125 of 2017)

... 1st Respondent/Complainant

2.Sundaresh

... 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 impugned First Information Report in Crime No.125 of 2017 under Sections 143, 294(b), 323, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damae & Loss) Act, 1992 dated 18.10.2017 on the file of the first respondent and quash the same as illegal in so far as the petitioner/A4 is concerned.

For Petitioner : Mr.I.Pinaygash
For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the impugned First Information Report in Crime No.125 of 2017 under Sections 143, 294(b), 323, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damae & Loss) Act, 1992 dated 18.10.2017 on the file of the first respondent.

2. The case of the petitioner is that the case has been registered in Crime No.125 of 2017 against the petitioner as well as other persons and no specific overt act attributed against the petitioner and on that ground, he seeks quashment. It is his further case that the petitioner completed a Law degree and he is awaiting for enrollment. Because of the criminal case, he is not in a position to enroll himself.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor submits that investigation has been completed as early as on 03.12.2018 itself and final report was not presented before the court on that date. But it was presented only on 23.07.2021 and the same has not been taken on file so far.

4. The learned counsel for the petitioner would submit that he has filed a copy application before the Judicial Magistrate, Sathankulam seeking certified copies of the final report and it came to be returned on 22.07.2021 with an endorsement that the documents are not available and charge sheet is not filed. It appears that on the very next day, the documents have been presented before the court.



5. Considering those facts, the learned counsel for the petitioner would submit that a direction may be issued to the Judicial Magistrate, Sathankulam to process final report and taken on file within a short time and complete the trial process within the time stipulated by this Court since the petitioner is waiting for getting himself to enroll in the Bar Council of Tamilnadu.

6. Considering the request made by the learned counsel for the petitioner, there shall be a direction to the Judicial Magistrate, Sathankulam to process the final report that has been presented by the first respondent police within the time stipulated as per Rules. After taking cognizance of offences, the trial process shall be completed within a period of 5 months from the date of taking cognizance of the offences. Compliance report shall sent to the Registry.

7. With the above directions, this petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Judicial Magistrate,
Sathankulam.
- 2.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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30.07.2021

SMV

BS (09.08.2021) 2P-4C

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