



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CRL OP (MD) No.14376 of 2021

and CRL MP (MD) No.7546 of 2021

WEB COPY

1.Ramnath
2.Rajpraveen @ Praveen
3.Ramukutti

... Petitioners/Accused No.1 to 3

-Vs-

1.State rep. by
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
(Crime No.328 of 2020)

... 1st Respondent/Complainant

2.Mr.T.S.Ponson

... 2nd Respondent/Defacto Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.328 of 2020 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.C.Susikumar
For Respondent : Mr.K.Sanjai Gandhi for R1
Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking quashment of the proceedings in FIR in Crime No.328 of 2020 on the file of the first respondent.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that the investigation has been completed and final report has also been filed before the learned Judicial Magistrate, Valliyoore, for the offences under Section 143 and 269 IPC, on 06.02.2021, but it has not been taken on file so far.

3.Since the final report has been filed before the concerned Court, nothing survives in this petition for further consideration and the petitioner has to work out his remedy through proper proceedings. But however, the counsel for the petitioner would submit that the offences under Section 188 IPC is non cognizable offence and without prior permission the Investigating Officer has no right to register the FIR and investigate the matter. But in the final report this Penal Provision has been deleted. Even though the



petitioner has raised the legal ground, the final report has been filed before the concerned Court, hence, the petitioner has to challenge the same through proper proceedings.

4. There shall be a direction to the learned Judicial Magistrate, Valliyoor, to process the final report that has been presented by the respondent police as per Rules.

5. With the above directions and liberty, this criminal original petition is disposed of as infructuous. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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,
Valliyoor,
Tirunelveli.
2. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NSN (CO) /RS (18.10.2021) 2P 4C