



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.10.2021
CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.O.P.(MD).No.15074 of 2020

S.Selwyn

... Petitioner /Accused

Vs.

1.State represented by
The Inspector of Police,
Thoothukudi North Police Station,
Tuticorin District.
(Crime No.753/2014)

...1st Respondent/Complainant

2.Prabhakar Thiruthuvakumar Samson

...2nd Respondent/
De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the F.I.R registered against the petitioner in Crime No.753 of 2014 in the file of 1st respondent police.

For Petitioner : Mr.P.P.Alwin Balan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : Mr.R.Maheswaran

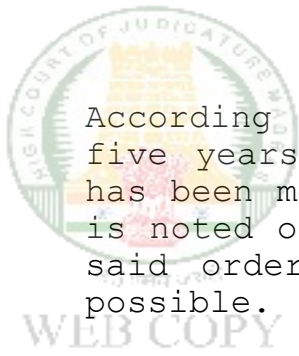
ORDER

(This petition is heard through video conference)

This petition has been filed seeking quashment of F.I.R registered against the petitioner in Crime No.753 of 2014 in the file of 1st respondent police.

2.When the matter was taken up for hearing on 25.08.2021, the learned Additional Public Prosecutor submitted that based upon the order passed by the concerned Judicial Magistrate, further investigation is undertaken and documents have been send for the purpose of Expert opinion and now it is pending.

3.But however, the learned counsel for the petitioner submitted that the first respondent has not complied the order passed by the learned Judicial Magistrate and he referred the order dated 26.08.2016, by which, the first respondent was directed to complete the investigation and file final report on or before 21.11.2016.



According to him, the matter has been kept pending for more than five years. Only in the year 2021, the request for Expert opinion has been made. No doubt there is long delay and lethargic attitude is noted on the part of the first respondent in complying the above said order. But, for that reason alone quashment of FIR is not possible.

4.The learned counsel for the petitioner requested that a direction may be issued to conclude the investigation within a time frame, since the matter is of the year 2014. But since the documents were sent for the purpose of obtaining Expert opinion, no time limit can be fixed by this Court. It will take longer time. The request for Expert opinion has been sent only on 19.08.2021. Hence, the matter may be kept pending till the receipt of Expert opinion. After receiving the Expert opinion, further investigation shall be completed within a period of three months from the date of receipt of the Expert opinion. On filing the final report, if the petitioner is aggrieved, then he has to workout his remedy through proper proceedings.

5.With the above liberty and directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS III)

// 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 Inspector of Police,
Thoothukudi North Police Station,Tuticorin District.

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

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-31451[F] dated 06/10/2021)

Crl.O.P. (MD) .No.15074 of 2020

04.10.2021

MGJ/JGB(29.10.2021) 2P 4C