



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.18827 of 2021

and

Crl.M.P. (MD)No.10440 of 2021

WEB COPY

1.Shanthi
2.Gothandapani ... Petitioners/A4 and A5
Vs.
1.The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District. ... 1st Respondent/Complainant
2.Vijayalakshmi ...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.10 of 2019 on the file of the 1st respondent police in so far as these petitioners/Accused 4 and 5 are concerned.

For Petitioners : Mr.A.R.Kannappan
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the impugned FIR in Crime No.10 of 2019 registered on the file of the first respondent for the offences under Sections 294(b), 448, 494 and 506(i) of IPC

2.When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that final report was filed before the jurisdictional Magistrate. But the jurisdictional Magistrate returned the final report on the ground that there are absconding accused. I am informed that all over Tamilnadu, whenever what is popularly known as absconding charge sheet is filed, the Magistrates invariably return the same. Such a practice has to be stopped. The Court takes cognizance only of the offences and not against the persons. After taking cognizance of the offences, the Court can issue summon or non bailable warrant against the accused concerned. In this case, the first respondent is directed to represent the final report and the jurisdictional Magistrate is directed to take a call in the matter on merits and in accordance with law within a period of ten days after it is represented. The petitioners' contentions are left open. If the jurisdictional Magistrate takes cognizance of the offences and the petitioners



continue to figure as accused, the petitioners can certainly move this Court once again.

3. With this liberty to the petitioners and direction to the first respondent as well the Court below, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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,
Aruppukkottai.
- 2.The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD) No.18827 of 2021
30.11.2021

SJ(CO)
GC(10.12.2021) 2P 4C