



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19210 of 2021

S.Pandian

... Petitioner

Vs.

1.The Superintendant of Police,
Theni District.

2.The Inspector of Police,
Theni Police Station,
Theni District.
(In Crime No.992 of 2017)

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to comply with the returns and file the charge sheet before the Judicial Magistrate Court, Theni and enabling the Judicial Magistrate Court, Theni to take the charge sheet on file for conducting trial.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

The petitioner wants the second respondent to file the final report in Crime No.992 of 2017.

2.The case involves damage to the petitioner's vehicle. The learned Government Advocate (Crl. Side) states that when the final report was filed before the Judicial Magistrate, Theni, the final report was returned on the ground that the damaged vehicle was not produced.

3.It is seen that the occurrence had taken place way back on 25.10.2017. It is not reasonable to expect the vehicle owner to keep the vehicle in the same damaged condition for the last four years. The complainant had enclosed the photographs of the damaged vehicle in the typed of set of papers. The petitioner has also enclosed the bills given by the workshop, where the damage was repaired. The second respondent is directed to re-present the final report along with the aforesaid materials. The learned trial



Magistrate shall take a call in the matter on merits and in accordance with law within a period of three weeks after the final report is re-presented. The second respondent is directed to re-present the final report within a period of one week from the date of receipt of a copy of this order. The learned trial Magistrate shall not insist on the production of the damaged vehicle.

4.This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Theni.
- 2.The Superintendant of Police,
Theni District.
- 3.The Inspector of Police,
Theni Police Station,
Theni District.

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

+1 CC to M/s.F.DEEPAK, Advocate (SR-37520[F] dated 07/12/2021)

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srk(CO)
TR(17.12.2021) 2P 6C