



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.664 of 2019
and
CrI.M.P.No.416 of 2019

Arun Raghul

... Petitioner

Vs.

1.The Inspector of Police
T.Palur Police Station
Ariyalur District.

2.Velmurugan

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records in charge sheet filed in STC.No.688 of 2018 on the file of the learned Judicial Magistrate No.I, Jeyamkondam and quash the same as illegal, incompetent, without jurisdiction.

For Petitioner : Mr.T.Elumalai

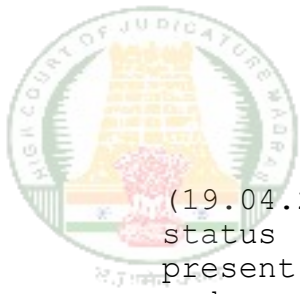
For Respondents : Mr.R.Vinothraja for R1
Government Advocate (CrI.Side)

: Ms.Vigneswari
for Mr.M.Guruprasad for R2

ORDER

This petition has been filed to call for the records in charge sheet filed in STC.No.688 of 2018 on the file of the learned Judicial Magistrate No.I, Jeyamkondam and quash the same as illegal, incompetent, without jurisdiction.

2. When the case was taken up for hearing, i.e, on 29.03.2022, the learned Government Advocate (CrI.Side) was directed to instruct the Investigating Officer to be present before this Court along with CD file and status report. Accordingly, the case was posted today.



3. When the case came up for hearing today (19.04.2022), the learned Government Advocate (Crl.Side) filed a status report by the present Investigating Officer, who is also present in Court along with CD file. As per the status report and on perusal of the case diary report, it is found that the investigation has proceeded, after registering of the First Information Report, on the complaint preferred by this Petitioner/Arun Raghul.

4. The Investigating Officer present in Court submitted that investigation will be completed and final report will be laid before the Court of the learned Judicial Magistrate No.I, Jeyamkondam, where the complaint filed by the second Respondent/De-facto complainant herein Velmurugan had been registered as FIR and investigation completed and final report laid as earlier in the year 2018 in STC.No.688 of 2018. At that time of admission of this Criminal Original Petition, the Petitioner herein, Arun Raghul had sought quashing of the charge sheet in STC.No.688 of 2018. Therefore, interim stay was granted, restraining the learned Judicial Magistrate No.I, Jeyamkondam from proceeding with the trial. Now, the complaint preferred by Arun Raghul before the learned Judicial Magistrate No.I, Jeyamkondam had been considered by the learned Judicial Magistrate No.I, Jeyamkondam and had issued a direction to register the First Information Report which was not done earlier and only on query from this Court, the First Information Report had been registered. Now, the Investigating Officer, who is present before this Court, submitted that investigation will be completed and final report will be laid before the same Court on the basis of the complaint of the Petitioner herein, Arun Raghul within a month and the said submission of the Investigation Officer is recorded. The Investigating Officer is directed to lay a final report within a reasonable period of one month.

5. The Petitioner can agitate the grounds raised in this petition before the Court concerned. This Court cannot quash the First Information Report, since there are accidents involving two two wheelers, victims in this case. It will cause miscarriage of justice thereby affecting the rights of the victims and also as per the ruling of the Hon'ble Supreme Court in the judgment of State of Haryana and Ors. Vs. Ch.Bhajan Lal and Ors, reported in 1992 Supp (1) SCC 335: 1992 SCC (Cri) 426, wherein guidelines were issued to the High Court not to exercise discretion and leniency in quashing the First Information Report under Section 482 of Cr.P.C., and only exercise such power sparingly. This is a fit case to issue appropriate orders to the Investigating Officer and also to the trial Court concerned to complete investigation of the case and counter.



6. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1.The Judicial Magistrate No.I, Jeyamkondam.

2.The Inspector of Police
T.Palur Police Station
Ariyalur District.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate SR. No. 26995

+1cc to Mr.T.Elumalai, Advocate SR. No. 26606

Cr1.O.P.No.664 of 2019
and

Cr1.M.P.No.416 of 2019

MT (CO)

PR (13/05/2022)