



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.1178 of 2022

Poongavanam

... Petitioner

Vs

1. The State represented by
The Superintendent of Police,
Tiruvannamalai District.
2. The Inspector of Police,
Vandavasi North Police Station,
Tiruvannamalai District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, directing the 2nd respondent to file the final report in Crime No.263 of 2016 dated 22.12.2016 under Sections 294(b), 323 & 506(1) of IPC, into the Court concerned in a time bound manner as may be prescribed by this Court.

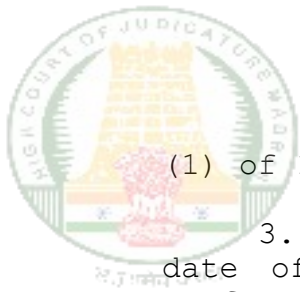
For Petitioner : Mr.P.R.Krishnaraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to file the final report in Crime No.263 of 2016 dated 22.12.2016 under Sections 294(b), 323 & 506(1) of IPC before the Court concerned.

2. The case of the prosecution as per the petitioner is that on 22.12.2016, one Saminathan/A1 and his son Prasath/A2 had interfered with peaceful enjoyment of the property belonging to the petitioner and when the same was questioned, the accused have abused the petitioner and his son in filthy language and also threatened them. Hence, the petitioner preferred a complaint and a case has been registered in Crime No.263 of 2016 for the offence under Sections 294(b), 323, & 506



(1) of IPC.

3. The learned counsel for the petitioner would submit that date of occurrence is 22.12.2016 and the complaint has been preferred on the same day without any delay. He would further submit that it is a case in counter and A1 in Crime No.263 of 2016 is a retired police officer and thereby, the respondents are willfully delaying the filing of final report in order to protect him.

4. Learned Additional Public Prosecutor would submit that the respondents are not delaying and the fact remains that the final report was made ready and when the respondent police have filed it before the learned Judicial Magistrate Court, Vandavasi, Tiruvannamalai, the learned Judicial Magistrate had passed an order in C.M.P.No.1337 of 2021 and closed the FIR under Section 468(2) of Cr.P.C stating that charge sheet has not been filed in time and thereby, barred by limitation. He would submit that the respondent police have filed a Revision against the said order before the learned Principle Sessions Judge, Tiruvannamalai and it is yet to be numbered.

5. In view of the facts as narrated above, the petitioner/defacto complainant is at liberty to challenge the order of the Learned Magistrate closing the FIR under Section 468(2) Cr.P.C. in view of the decision reported in 2022 Livelaw (SC) 248 in the case of Amritlal Vs Shantilal Soni & Ors.

6. With the above observations, this Criminal Original Petition stands closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

nti/nr

To

1.The Judicial Magistrate.
Vandavasi, Tiruvannamalai District.

2. The Superintendent of Police,
Tiruvannamalai District.



3. The Inspector of Police,
Vandavasi North Police Station,
Tiruvannamalai District.

4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.Moorthy, Advocate, S.R.No.22522

CRL.O.P.No.1178 of 2022

EV (CO)
SB (02/05/2022)