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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8191 OF 2022

S.Gnanaprakasam

... Petitioner/Accused

.Vs.

The State Rep. by
The Inspector of Police,
C.S.C.I.D. Chennai Unit,
Chennai - 53.
(Cr.No.376 of 2010)

... Respondent/Complainant

PRAYER:-

The Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to F.I.R in Crime No.376 of 2010 on the file of the first respondent and to quash the same in so far as petitioner is concerned.

For Petitioner : Mr.J.Muthukumaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records relating to F.I.R in Crime No.376 of 2010 on the file of the respondent police and quash the same.

2. Learned counsel for the petitioner would submit that though the complaint was registered in the year 2010, final report has not been filed till date. He would further submit that the departmental enquiry was conducted and the petitioner has repaid an amount of Rs.27,180/- which was fixed on the petitioner. He would also submit that the similarly placed accused one Manickaselvi arrayed as A4, had filed the quash Application in Crl.O.P.No.4982 of 2018 and this Court by order dated 13.03.2018 allowed the same.



3. Learned Additional Public Prosecutor would submit that though the petitioner had repaid the misappropriated amount, it does mean that he can be automatically absolved from the offences. However, he would concede that the co-accused who was similarly placed, filed quash petition in CrI.O.P.No.4982 of 2018 and this Court by order dated 13.03.2018 allowed the same.

4. Heard the learned counsels and perused the materials available on record.

5. It is seen that the respondent has registered a case during the year 2010 despite the lapse of 12 years. This court, in CrI.OP.No.4982 of 2018, has allowed the quash petition in respect of the similarly placed co-ccused. It is useful to refer Paragraph Nos.4, 5 and 6 in CrI.O.P.No.4982 of 2018 dated 13.03.2018 are extracted hereunder:

"4.Though the petitioner has repaid the alleged misappropriated amount, it cannot be said that the petitioner can be automatically absolved from the offences. Nevertheless, it is rather unfortunate that though the complaint came to be registered in the year 2010, the respondents is yet to file the final report or charge sheet.

5. I am unable to comprehend as to how the respondent police would be justified in keeping the investigation pending for a period of more than eight years. Apart from that, it is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Furthermore, he had been anticipating the out come of the final report of investigation for more than seven years. In the mean time, he also retired from the service. The inordinate delay, in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed.

6. In view of the latches on the part of the prosecution to complete the investigation within a reasonable time, I am of the view that no justification can be established, if the respondent herein is permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. Consequently, the proceedings in Crime No.376 of 2010 on the file of the Inspector of Police, C.S.C.I.D.C, Chennai is quashed.



6. In view of the order passed in CrI.O.P.No.4982 of 2018 dated 13.03.2018, this Criminal Original Petition stands allowed. Accordingly, the proceedings in Crime No.376 of 2010 on the file of the respondent police is quashed in respect of the petitioner.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nr/lok

To

1. The Inspector of Police,
C.S.C.I.D. Chennai Unit,
Chennai - 53.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.25457

CRL.O.P.NO.8191 OF 2022

AK-II(CO)
PBS/26/04/2022