



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.9276 OF 2019

AND

CRL.M.P.NO.4893 OF 2019

1.K.Purushothaman

2.K.Damodaran

3.K.Shanmugam

...Petitioners / Accused 1 to 3

Vs.

1.The State Rep. by
Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.

...Respondent / Complainant

2.K.Devaraj

...Respondent / De-facto Complainant

PRAYER : Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records of the FIR in Crime No.122 of 2015 on the file of the first Respondent and quash the same.

For Petitioner : Mr.R.Mubarak Basha

For Respondent : Mr.S.Vinoth Kumar [for R1]
Government Advocate
No Appearance - for R2

ORDER

This Petition had been filed to quash the FIR in Crime No.122 of 2015 on the file of the first Respondent.

2. The learned Counsel for the Petitioners in this Criminal Original Petition submitted that the first Petitioner is the complainant in FIR in Crime No.361 of 2015 on the file of the Vishnukanchi Police Station, Kanchipuram. The complaint was preferred by the Petitioner on 13.03.2015 and the FIR was registered under Sections 147, 341 and 363 IPC. Subsequent to the registration of the FIR, the Respondent No.2 herein i.e., K.Devaraj had preferred a complaint with the first Respondent Police in Crime No.122 of 2015, dated 26.07.2015 in which the



Petitioners are arrayed as Accused for the offences under Sections 420 and 506 (i) of IPC.

3. It is the contention of the Petitioners that the FIR in Crime No.122 of 2015 is a counter blast of the FIR lodged by the Petitioners in Crime No.361 of 2015 on the file of the Vishnukanchi Police Station, Kanchipuram. Therefore, the Petitioners sought to quash the FIR in Crime No.122 of 2015 on the file of the Kalambur Police Station, Thiruvannamalai District.

4.The learned Government Advocate (Crl. Side) appearing for the Prosecution vehemently objects to the submission of the learned Counsel for the Petitioners stating that the alleged offences against which the Petitioners preferred the complaint in FIR in Crime No. 361 of 2015 was before the Vishnukanchi Police Station, Kanchipuram, for the offences under Sections 147, 341 and 363 IPC. This complaint in Crime No.122 of 2015 had been preferred by the Respondent No.2 attracting the offence of Cheating before the Kalambur Police Station, Thiruvannamalai District. The offences and the place of occurrence are entirely different. Therefore, the complaint preferred by the Petitioners has no bearing on the complaint preferred by the Second Respondent herein.

5. Further, the learned Government Advocate (Crl. Side) submitted that at the time of filing of this Criminal Original Petition, this Court had granted interim stay against the Investigation Officer to lay the final report of the investigation in Crime No.122 of 2015 and thereby the investigation had been delayed for more than 7 years. It is the submission of the learned Government Advocate (Crl. Side) that during the investigation, sufficient materials have been collected and final report is ready. If the stay is vacated, the Investigation Officer will file the final report before the Court of Judicial Magistrate Arni, Tiruvannamalai District.

6.Considering the vehement objection of the learned Government Advocate (Crl. Side) to quash the FIR in Crime No. 122 of 2015 on the file of Kalambur Police Station, Thiruvannamalai District, and investigation having been completed and final report is not yet filed as there is an order of stay from this Court on the same and in the light of the reported ruling of the Hon'ble Supreme Court in State of Haryana and others vs. Bhajan Lal and others [1992 SCC (Cri.) 426], what had been raised in the grounds of this Criminal Original Petition, seeking to quash the criminal complaint in Cr.No.122 of 2015 cannot at all be accepted invoking the extraordinary powers of the High Court under Section 482 of Cr.P.C.



7. In the light of the above, the submission of the learned Counsel for the Petitioner is rejected and this petition is dismissed. The Investigation Officer is directed to file the final report of the investigation before the Court of the learned Judicial Magistrate, Arni, Tiruvannamalai District. What are all raised by the Petitioners herein can be considered as valuable defence available to the Petitioners during trial before the Court of learned Judicial Magistrate, Arni, Thiruvannamalai District. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

sha

To

- 1.The Judicial Magistrate Arni,
Tiruvannamalai District.
- 2.(do through) The Chief Judicial Magistrate,
Tiruvannamalai.
- 3.The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
- 4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Mubarak Basha, Advocate Sr.No.29468

Cr1.O.P.No.9276 of 2019
and
Cr1.M.P.No.4893 of 2019

SPD(CO)
RVM(13/05/2022)