



Crl.O.P.No.16256 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.16256 of 2019

and

Crl.M.P.No.8130 of 2019

Chandrakumar

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Coimbatore District.
Crime No.34 of 2018

2.Velusamy

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.34 of 2018 pending on the file of District Crime Branch, Coimbatore District and quash the same.

For Petitioner : Ms.K.Akshaya
For M/s.S.Manoharan

For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



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For R2 : Ms.I.Rajeswari

ORDER

This Criminal Original Petition is filed to quash the complaint which is under investigation in Crime No.34 of 2018.

2. The petitioner is the 1st accused. A similar petition was filed by the 2nd accused who is none other than the wife of the present petitioner. In the quash petition in Crl.O.P.No.3460 of 2019, dated 25.04.2022, this Court, on considering the materials available, held that it is not a fit case to quash the First Information Report and directed the Investigating Officer to proceed with the investigation and file a final report within a reasonable period of three months from the date of receipt of a copy of the order. Accordingly, the final report was filed on 28.07.2022 and same has been taken on the file of the learned Judicial Magistrate No-II, Pollachi.

3. The learned counsel for the petitioner submits that when the quash petition was filed by this petitioner, this Court *prima facie*



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satisfied and granted stay of further investigation pending disposal of the Criminal Original Petition. While so, in a primarily civil dispute, the Investigating Officer has filed a final report in spite of the direction to stay the investigation.

4. The learned Government Advocate (Crl.Side) for the State has filed a status report signed by the Inspector of Police, District Crime Branch, Coimbatore, wherein he has narrated the entire sequence of events, which the final report has been filed pursuant to the direction of this Court vide order dated 25.04.2022.

5. This Court without adverting to the averments made to the quash petition dismissed the same. Since the final report had already been filed and taken on file in C.C.No.231 of 2022 on the file of the learned Judicial Magistrate No.II, Pollachi, it is open to the petitioner herein to agitate all the grounds before the trial Court.



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6. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is also closed.

01.11.2022

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Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Judicial Magistrate No.II, Pollachi

2.The Inspector of Police,
District Crime Branch,
Coimbatore District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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