



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

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CORAM:

THE HON'BLE Mr.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.16501 of 2019

and

Crl.M.P.No.8283 of 2019

Nagaraj

... Petitioner/Accused No.2

Vs.

1.The State

Represented by Inspector of Police,

Sai Baba Colony Police Station,

Coimbatore District.

(Crime No.49 of 2019)

... 1st Respondent/Complainant

2.G.Saravana Kumar

... 2nd Respondent/Defacto Complainant

Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records culminating in the FIR in Crime No.49 of 2019 pending on the file of the first Respondent, i.e., The Inspector of Police, Saibaba Police Station, Coimbatore District, quash the same.

For Petitioner : No appearance

For Respondents : Mr.R.Vinothraja

Government Advocate (Crl.Side)
for R1

O R D E R

When the case came up for hearing, there was no representation for the Petitioner. As per the cause list, the names of the four learned counsels are printed, but none of them appeared. It is also found that affidavit of proof of service also not filed.

2. On perusal of the records, it is found that the petition had been filed by the Petitioner, who is an accused as per the FIR registered in Crime No.49 of 2019 on the file of the Inspector of Police, Saibaba Colony Police Station, Coimbatore District.



3. At the time of admission of this Criminal OP, interim stay was granted on 26.06.2019. The Investigation Officer was directed not to file final report till the disposal of the Criminal Original Petition.

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4. Even though such a direction is there, the Investigation Officer can proceed with the investigation. The only condition is that he shall not file final report. From the records, it is seen that the Petitioner, who is arrayed as accused had successfully delayed the investigation. On perusal of the records, it is found that the case had been registered on the complaint of one Saravanakumar, son of Govindaraj against the Petitioner herein and five others for the offences alleged to have been committed on 18.01.2019 at 19.00 hours. The complaint was preferred on 20.01.2019. The alleged offences are under Sections 147, 148, 364A, 365, 386 and 506(ii) IPC. The offences under Sections 366 and 364A of IPC are triable by the Court of Sessions. The Petitioner, who is arrayed as an accused and who was named by the de facto Complainant had successfully scuttled and delayed the investigation for over three years by approaching this Court. Therefore, exercising discretion under Section 482 Cr.P.C in scuttling the investigation would attract the observation in the reported Rulings of the Hon'ble Supreme Court in the case of State of Haryana -vs- Bajanlal reported in (1992) SCC CrI. 426 where the Hon'ble Supreme Court had deprecated the High Courts for exercising discretion under Section 482 Cr.P.C in scuttling the investigation, which is considered as abuse of process of law.

5. The learned Government Advocate (Criminal Side) submits that the investigation is almost complete only on the score that this Criminal Original Petition is pending and interim stay having been granted, the Investigation Officer could not file the final report before the Court. The submission of the learned Government Advocate (CrI. Side) is found acceptable.

6. In the light of the submission of the learned Government Advocate (CrI.Side) and in the light of the reported Rulings of the Hon'ble Supreme Court in the case of State of Haryana -vs- Bajanlal reported in (1992) SCC CrI. 426, wherein guidelines had been issued by the Hon'ble Supreme Court to the High Courts, while exercising discretion under Section 482 Cr.P.C, this Criminal Original Petition is dismissed as having no merits.

7. The learned Government Advocate (CrI. Side) is advised



to instruct the Investigation Officer to file final report in the Court of the learned Judicial Magistrate No.7, Coimbatore.

8. The learned Judicial Magistrate No.7, Coimbatore is directed to proceed with further proceedings as per law if the final report of the Investigation Officer is filed before his Court.

9. With the above directions, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To

- 1.The Judicial Magistrate No.7,
Coimbatore.
- 2.The Inspector of Police,
Sai Baba Colony Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16501 of 2019
and
Crl.M.P.No.8283 of 2019

AD(CO)
GN(05/05/2022)