



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22667 OF 2021

C.Samson

... Petitioner

Versus

1. The State Rep. by
The Sub-Inspector of Police,
Arakkonam Police Station,
Arakkonam.

2. Chandrasekaran

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the F.I.R. alleged under offence of 294(b), 341, 324, 506(2) dated 31.08.2008 in Crime No.757 of 2008 on the file of Inspector of Police, Town Police Station, Arakkonam.

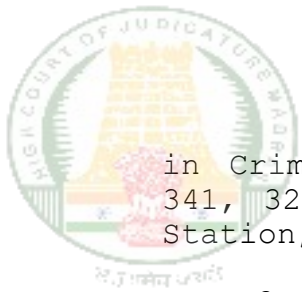
For Petitioner : Mr.S.Ravichandran

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR alleged under offence of 294(b), 341, 324, 506(2) dated 31.08.2008 in Crime No.757 of 2008 on the file of the Inspector of Police Town Police Station, Arakkonam.

2. It is averred in the petition that the petitioner was working as a driver in a private concern for more than 16 years. It is in usual course of the employment to produce police verification certificate to the employer. Hence the petitioner applied for police verification certificate in the year 2015 and was shocked to know that a case has been registered against him



in Crime No.757 of 2008 for offences under Sections 294 (b), 341, 324, 506(1) of IPC by the Inspector of Police Town Police Station, Arakkonam.

3. The learned counsel for the petitioner submitted that one Chandrasekaran of Arakkonam has preferred a complaint against the petitioner complaining that the petitioner along with one Barath has abused and attacked the defacto complainant. The petitioner was not even aware of any such registration of the case. He further submitted that the petitioner came to know that a case has been registered in the year 2015 only when applying for police verification certificate. Hence he filed a petition in CMP.No.7050 of 2015 before the Judicial Magistrate, Arakkonam. The learned Judicial Magistrate, Arakkonam by order dated 12.12.2015 held that the FIR has been registered on 31.08.2008 and no final report has been filed till date for offences under Section 294(b), 341, 324, 506(2) IPC which is beyond the period of limitation and hence ordered stopping of further investigation and thereafter no special reason has been given to set aside the order of the learned Judicial Magistrate. In view of the same the petitioner seeks quashing of the FIR for the reason that the petitioner whenever applies for police verification certificate the pendency of the above FIR is referred.

4. The learned Public Prosecutor submitted that the case against the petitioner has been filed in Crime No.757 of 2008 on 31.08.2008 and fairly submitted that even on 12.12.2015 charge sheet has not been filed. The lower Court had passed order under Section 167 (5) of Cr.P.C. in CMP.No.7050 of 2015 which has attained finality.

5. In view of the above submission and finding that already the lower Court had passed order under Section 167(5) of Cr.P.C in CMP.No.7050 of 2015 which has now attained finality thereafter nothing has happened and further investigation has already been stopped, this Court is inclined to quash the FIR in Crime No.757 of 2008. Accordingly the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dpq



To

1. The Judicial Magistrate,
Arakkonam.
2. The Sub-Inspector of Police,
Arakkonam Police Station,
Arakkonam.
3. The Inspector of Police,
Town Police Station,
Arakkonam.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ravichandran, Advocate, S.R.No.3629

CRL.O.P.NO.22667 OF 2021

RSV(CO)
PBS/28/02/2022