



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.25404 of 2021
and
Crl.M.P.No.14079 of 2021

A.Selvaganapathy

... Petitioner

Versus

State by its
Inspector of Police
Chidambaram Police Station
Chidambaram
Cuddalore District.
Crime No.96 of 2012

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record relating to the case in Crime No.96 of 2012 pending investigation on the file of the respondent and quash the same with regard to this petitioner.

For Petitioner : Mr.K.G.Senthilkumar

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

ORDER

This Criminal Original Petition has been filed to call for the records relating to the case in Crime No.96 of 2012, pending investigation on the file of the respondent and quash the same with regard to this petitioner.

2. The contention of the petitioner is that he has been arrayed as A2 in Crime No.96 of 2012. He already filed a petition in Crl.O.P.No.17655 of 2016 to quash the FIR. The said petition was closed on 22.11.2016, recording the submission of the learned Additional Public Prosecutor that investigation in Crime No.96 of 2012 was completed and final report was filed on 19.04.2012 before the Judicial Magistrate No.II, Chidambaram. But actually no final report was filed. Hence, the petitioner



again filed Crl.O.P.No.26977 of 2018 with the prayer to file a final report in Crime No.96 of 2012. At that time also, the learned Additional Public Prosecutor made the same submission that final report was filed before the Court below, but it has gone missing. Therefore, this Court by order dated 29.11.2018, permitted the respondent Police to file a true copy of the final report along with other materials. Subsequently, on 09.01.2021, the petitioner filed a copy application before the Judicial Magistrate No.II, Chidambaram, but the same returned on 18.01.2021 stating that 161 of Cr.P.C., statement and charge sheet are not available in Crime No.96 of 2012. Hence, this petition.

3. The grievance of the petitioner is that he has been arrayed as accused in this case in the year 2012 and therefrom, the case is pending without any progress. The petitioner is a respectful public personality and due to the pendency of the above case, his prospectives have been obstructed.

4. The learned Additional Public Prosecutor submits that in this case after re-construction, charge sheet has been filed before the Judicial Magistrate No.II, Chidambaram for the offence under Section 399 of IPC. Since there is no Probation Officer, the case is yet to be taken on file.

5. Considering the submissions and on perusal of the materials, it is seen that the petitioner was fighting from the year 2016 to bring his case, but by giving one reason or other, the order of this Court has not been complied with.

6. In view of the same, the Judicial Magistrate No.II, Chidambaram, is directed to consider the final report and pass appropriate orders within a period for three weeks from the date of receipt of copy of this order or normal functioning of the Court.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

dna



To

1.The Judicial Magistrate No.II,
Chidambaram.

2.The Inspector of Police
Chidambaram Police Station
Chidambaram
Cuddalore District.
Crime No.96 of 2012

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.G.Senthilkumar, Advocate SR.No.3287

CRL.O.P.No.25404 of 2021
and
Crl.M.P.No.14079 of 2021

PCH(CO)
GMY(11/02/2022)