



CrI.O.P.No.33493 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.33493 of 2019

and

CrI.M.P.No.18474 of 2019

Vinoth Babu

... Petitioner

-Vs.-

1.The State rep by
The Inspector of Police,
Kitchipalayam Police Station,
Salem.

2.Arvindha Balaji.

.. Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating in FIR copy in Crime No.172 of 2019 dated 15.06.2019 on the file of the first respondent police and quash the same.

For Petitioner

:Mr.G.Mohammed Aseef

For Respondents

:Mr.N.S.Suganthan,

Government Advocate (Criminal side)
for R1

No appearance for R2



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ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to quash the FIR in Crime No.172 of 2019 on the file of the first respondent police

2. The allegations as found in the complaint is that the petitioner herein, who gave an online complaint about the tariff, was dragged by the Electricity Board Office and not responded properly. As a consequences, on 15.06.2019, it is alleged that the petitioner herein was called in the Electricity Board Office and he was not treated well. Hence, infuriated by the same, he attacked the *de facto* complainant, who was a temporary staff in the Electricity Board Office. The FIR was registered on the complaint given by the *de facto* complainant/Arvindha Balaji, while he was taking treatment in the hospital.

3. It is alleged that the petitioner herein was arrested, pursuant to this complaint and due to the pressure given by the staff of Electricity Board Staffs and a false complaint has been filed. In spite of the interim



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stay of further proceedings granted by this Court, the Investigating Officer has proceeded to file the final report and the same is taken on file by the learned Judicial Magistrate No.II, Salem in C.C.No.373 of 2020.

4. The learned Government Advocate (Criminal side) would submit that in view of the *prima facie* material collected in the course of investigation coupled with medical certificate, the final report has been filed for the offences under Sections 294B, 353 and 506(i) IPC. As far as allegations on filing final report pending quash petition and stay, the learned Government Advocate (Criminal side) would submit that the interim stay was granted only till 10.02.2020 and it was not further extended. Hence the final report was filed.

5. However, the learned counsel appearing for the petitioner would submit that it was during the COVID period and in view of the general order, the interim stay granted was automatically stood extended and in any event, the Investigating Officer ought not to have filed the final report after being put to notice about the grant of interim stay.



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6. This Court finds that on the date of filing final report technically there was no interim stay of further proceedings. Therefore we cannot find fault with the Investigating Officer for filing final report. However, liberty granted to the petitioner herein to challenge the final report, if there is no material available to prosecute him for any of the offences mentioned in the final report, which is culminated in C.C.No.373 of 2020.

7. With this liberty, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

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Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa



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To

- 1.The Inspector of Police,
Kitchipalayam Police Station,
Salem.
- 2.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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