



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD)No.1034 of 2022

and

CrI.M.P. (MD)No.734 of 2022

Rajkumar

... Petitioner / Accused No.18

vs.

1.State through

The Inspector of Police,
Kallikudi Police Station,
Madurai District,
(In Crime No.94/2015)

... 1st Respondent/ Complainant

2.M.Senthilkumar

Head Constable,
Kallikudi Police Station,
Madurai District.

...2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.94 of 2015 dated 20.05.2015 on the file of the first respondent police and to quash the same as illegal.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (CrI.)

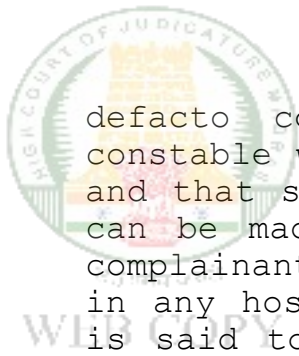
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

2. This Criminal Original Petition has been filed to quash the FIR in Crime No.94 of 2015 registered on the file of the first respondent for the offences under Sections 147, 148, 341, 294(b), 323, 353, 307 & 506(2) of IPC.

3. The learned Government Advocate (crl.side) submitted that final report was made ready on 21.01.2021. But it is yet to be filed.

4. Since final report has already been made ready, it may not be proper for this Court to entertain this petition. At the same time, I have to observe that incorporation of the offence under Section 307 of IPC appears to be unjustified. Even according to the



defacto complainant, the defacto complainant who is the head constable would claim that one of the accused hit him with iron rod and that since he ducked the same, he escaped. Such an allegation can be made by anybody against anybody. Admittedly, the defacto complainant did not even take any treatment in any hospital. Since the concerned Additional Public Prosecutor is said to be scrutinizing the final report, I am certain that a revised final report will be filed.

5. Such a final report will be filed within a period of four weeks from the date of receipt of a copy of this order. Leaving open the petitioner's contentions, this Criminal Original Petition is disposed of. It is always open to the court concerned to take a call in the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Kallikudi Police Station,
Madurai District,

2.The Head Constable,
Kallikudi Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.(MD)No.1034 of 2022

21.01.2022

SB (CO)

GC(10.02.2022) 2P 4C