



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2052 of 2022

and

Crl.M.P(MD)No.1512 of 2022

WEB COPY

1.Dheepak @ Indirajith

2.Vasantharaja

... Petitioners/

Accused 1 and 13

Vs.

1.The State

represented by through the Inspector of Police,
Batlagundu Police Station,
Dindigul District.

(Crime No.303 of 2019)

...1stRespondent/

Complainant

2.Atchiyammal

...2nd Respondent/

Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to FIR in Crime No.303 of 2019, dated 14.07.2019 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioners : Mr.S.Vellaichamy

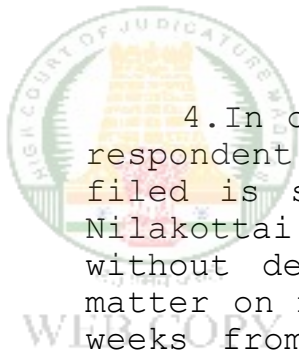
For Respondents : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the impugned FIR.

2.When the matter was taken up for hearing, the learned Government Advocate submitted that a final report was filed on 20.10.2019, before the Judicial Magistrate, Nilakottai.

3.In such cases, I notice that there is dichotomy in the stand taken by the police and the concerned Court. While the police will claim that the final report has been filed, the Court below will send a report to the Registry that the final report has not been received.



4.In order to avoid the factual controversy, I direct the first respondent to verify whether the final report said to have been filed is still available on the file of the Judicial Magistrate, Nilakottai. If it is not available, a fresh copy shall be filed without delay. The Judicial Magistrate will take a call in the matter on merits and in accordance with law within a period of four weeks from the date of receipt a copy of this order. All the contentions of the petitioners are left open, accordingly, the Registry is directed to mark a copy of this order to the Judicial Magistrate, Nilakottai.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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,
Batlagundu Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Judicial Magistrate,
Nilakottai.

Crl.O.P(MD)No.2052 of 2022
02.02.2022

RK(15/02/2022) 2P 4C