



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10394 of 2022

and

CrI.M.P (MD) No.6496 of 2022

WEB COPY

Rajesh

...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Cr.No.801 of 2009)

...1st Respondent/Complainant

2.Sudhakaran

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the First Information Report in Cr.No.801 of 2009 pending on the file of the first respondent police and quash the same as illegal in respect of the petitioner herein.

For Petitioner	:	Mr.K.P.Narayanakumar
For Respondents	:	Mr.M.Sakthikumar
		Government Advocate (CrI.side)

ORDER

This petition has been filed to quash the First Information Report in Cr.No.801 of 2009 pending on the file of the first respondent police in respect of the petitioner herein.

2.The learned counsel for the petitioner submitted that the respondent police has registered the case in Cr.No.801 of 2009 on 28.11.2009 for the offences under Sections 452, 324, 323, 379 and 506(ii) IPC, but final report has not been filed so far and it is also barred by limitation under Section 468 Cr.P.C. Hence, he filed this petition to quash the FIR as against the petitioner.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that a counter case has been registered against the second respondent in Cr.No.802 of 2009 for the offences punishable under Sections 241, 294(b), 324, 323, 379, 506(ii) of IPC. After investigation, final report has been filed before the learned Judicial Magistrate, Padmanabapuram and the same was taken on file in C.C.No.68 of 2018. But in Cr.No.801 of 2009,



after investigation final report has been filed in the year 2013 and the same was returned to the respondent police by the learned Judicial Magistrate for some defects. The respondent police did not rectify the defects and not re-presented the same.

4. I have considered the matter in the light of the submissions made by the parties.

5. Admittedly, the respondent police has registered a case against the petitioner in Cr.No.801 of 2009 for the offences under Sections 452, 324, 323, 379, 506(ii) IPC on 28.11.2009. On the date itself a counter case has been registered against the second respondent in Cr.No.802 of 2009. In both the cases investigation has been completed and after completion of investigation, final report has been filed before the learned Judicial Magistrate, Padmanabapuram and the same was taken on file in C.C.No.68 of 2018 in respect of Cr.No.802 of 2009. Unfortunately, final report in Cr.No.801 of 2009 was not taken on file and the same was returned to the respondent police for correcting some defects. But the respondent police without rectifying the defects kept the same in their custody.

6. In view of the above, the first respondent police is hereby directed to rectify the mistake mentioned by the learned Judicial Magistrate, Padmanabapuram and re-produce the final report immediately and the learned Magistrate is hereby directed to take the case on file, if it is in order. The petitioner is directed to work out the remedy before the learned Judicial Magistrate, Padmanabapuram and the case in counter.

7. With the above direction, this Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/06/2022

Sub Assistant Registrar (CS)

vsd

To

1. The Judicial Magistrate,
Padmanabapuram.

2. The Inspector of Police,
Thuckalay Police Station,
Kannur District.

<https://hcservices.hc.mil/hcservices/>



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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-25338[F]
dated 13/06/2022)

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