



CrI.O.P.(MD) No.15670 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.15670 of 2022

and

CrI.M.P(MD) No.10324 of 2022

Arun Karthik

...Petitioner / Sole Accused

-VS-

1.The State, represented by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
(Crime No.147 of 2016)

...Respondent No.1 / Complainant

2.Vigneshwaranpandiyar

...Respondent No.2 / Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records pertaining to the impugned First Information
Report in Crime No.147 of 2016 on the file of the 1st Respondent Police
Station and quash the same as illegal as against the Petitioner concerned.

For Petitioner : Mr.R.Muthukumaran

For 1st Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the impugned First Information Report in Crime No.147 of 2016 for the offences under Sections 279, 337 and 304(A) of IPC on the file of the 1st Respondent Police Station and quash the same as illegal as against the Petitioner concerned.

2.When the case came up for hearing on 20.09.2022, this Court had sought remarks from the learned Judicial Magistrate, Nilakkottai. Accordingly, the learned Judicial Magistrate had offered his remarks as per letter in D.No.1780 dated 03.10.2022.

3.It is the contention of the learned counsel for the Petitioner that the Inspector of Police, Pattiveeranpatti Police Station had filed the Final Report stating that the Final Report was prepared on 06.07.2016 and the same was presented before the Court on 25.07.2022 with the delay condonation petition.



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4.It is the explanation of the learned Judicial Magistrate, Nilakkottai that the Final Report was returned as defective. The rectification memo was issued only on 25.07.2022. Subsequently, the Inspector of Police, Pattiveerarapatti Police Station, had rectified the defects along with the condone delay petition, which was allowed as per order in Crl.M.P.No.5541 of 2022, dated 21.09.2022 and Final Report was taken cognizance under Sections 279, 337, 304(A) of IPC and also numbered as C.C.No.455 of 2022.

5.From the remarks offered by the learned Judicial Magistrate, Nilakkottai, it is found that for the offences had taken place in the year 2016 but Final Report was laid only in the year 2022, it is not acceptable as per Section 468 of Criminal Procedure Code.

6.The learned Counsel for the Petitioner submitted that the investigation had not been completed and the First Information Report is kept pending in the Court of the learned Judicial Magistrate, Nilakkottai from the year 2016, therefore, he sought to quash the First Information Report.



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7.After hearing the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, this Court had sought remarks. Only then the learned Judicial Magistrate, Nilakkottai has forced to offer his remarks.

8.It is noted that for the offences Under Sections 279, 337, 304(A) of IPC, the Investigation Officer ought to have filed the Final Report within a reasonable period as mentioned in Section 468 of Cr.P.C but the Final Report had not been laid within a stipulated period as found from the remarks offered by the learned Judicial Magistrate, Nilakkottai.

9.In the light of the above, even though, the learned Judicial Magistrate, Nilakkottai had taken cognizance as C.C.No.455 of 2022 dated 21.09.2022, it is quashed as per Section 468 of Criminal Procedure Code. Consequently, the connected Miscellaneous Petition is closed. No costs.

20.10.2022

Internet:Yes/No
Index:Yes/no
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To

1. The Judicial Magistrate Court,
Nilakkottai.
2. The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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