



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) .No.17959 of 2021

and

Crl.M.P(MD)No.9801 of 2021

1.Kumaravel
2.Jeyaraman
3.Bapitha

.. Petitioners/Accused 1 to 3

Vs.

1.The State Tamil Nadu,
rep. by Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.516/2017.

..1st Respondent/Complainant

2.Senthamilarasi

.. 2nd Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the FIR in Cr.No.516 of 2017, dated 04.10.2017, on the file of the first respondent.

For Petitioners : Mr.K.R.Manimaran

For R1 : Mr.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : No appearance

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

2.The petitioners are shown as accused Nos.1 to 3 in Cr.No.516 of 2017 registered on the file of the first respondent police for the offences under Sections 294(b), 341, 323 and 506(i) IPC. There is no dispute that the offences are punishable for the term of imprisonment only up to three years, therefore, final report ought to have been filed on or before 03.10.2020. The petitioners counsel would contend that till date, final report has not been filed.



3. When the matter was taken up for hearing, the learned Additional Public Prosecutor would contend that the final report has already been filed, therefore, report was called for from the concerned Magistrate. The report received from the concerned Magistrate on 20.12.2021 states that till date final report has not been filed. It is true that under Section 473 Cr.P.C., the Investigating Officer can file the final report even after the expiry of the period by giving explanation for delay in filing the final report. But, in this case, there is no explanation forthcoming. Therefore, the present impugned FIR in Cr.No.516 of 2017, dated 04.10.2017, on the file of the first respondent is quashed.

4. Accordingly, this Criminal Original Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Alanganallur Police Station,
Madurai District.

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

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-1981[F] dated 21/01/2022)
Crl.O.P. (MD) .No.17959 of 2021
20.01.2022

MGJ(04.02.2022) 2P 4C