



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.20834 of 2021

and

Crl.M.P(MD)No.11940 of 2021

WEB COPY

Ilango ... Petitioner/Sole accused

Vs.

1.The Sub-Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District,
In Crime No.250 of 2019. ... 1st Respondent/Complainant

2.Rajeshverapandian ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records pertaining in Crime No.250 of 2019 on the
file of the Inspector of Police, Rajapalayam North Police Station,
Virudhunagar District and quash the same.

For Petitioner : Mr.C.Susi Kumar

For R - 1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR
in Crime No.250 of 2019 on the file of the first respondent.

2. When the matter is taken up for hearing today, the learned
Government Advocate (criminal side) submitted that after completion
of investigation, final report has already been filed on 20.04.2019
before the learned Judicial Magistrate, Rajapalayam and it is
pending for taking cognizance.

3. However, the learned counsel appearing for the petitioner
submitted that he filed a copy application before the learned
Judicial Magistrate, Rajapalayam, asking for certified copy of the
statement made under Section 161(3) of Cr.P.C and charge-sheet in
Crime No.250 of 2019 on the file of the first respondent. However,
it was returned for the reason that the final report has not been
filed.



4. Considering the above, the prayer sought for in this petition has become infructuous. Accordingly, this Criminal Original Petition is dismissed as infructuous. However, the learned Judicial Magistrate, Rajapalayam is directed to take cognizance of the final report filed by the first respondent, dated 20.04.2019, if not already taken cognizance, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to challenge the same in the manner known to law. However, it is made clear that the learned Judicial Magistrate, Rajapalayam is directed to consider the limitation as contemplated under Section 468 of Cr.P.C, while taking cognizance. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 Judicial Magistrate, Rajapalayam.
- 2.The Sub-Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-5639[F] dated
11/02/2022)

Crl.O.P (MD)No.20834 of 2021
10.02.2022

RD(23.02.2022) 2P 5C