



Crl.O.P.No.1776 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.1776 of 2021

&

Crl.M.P.Nos. 1028 & 1029 of 2021

1.Anitha

2.Anjalai

... Petitioners

Vs.

1.The State rep by
The Inspector of Police
Chithamur Police Station,
Kancheepuram District.

2.Subramani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the Calendar Case in C.C.No.146 of 2020 on the file of the District Munsif cum Judicial Magistrate, Cheyyur and quash the same.



Crl.O.P.No.1776 of 2021

WEB COPY

For Petitioners : Mr. C.Mageshkumar

For Respondent 1 : Mr. S.Balaji
Government Advocate (Crl. Side)

For Respondent 2 : No Appearance.

ORDER

The petition is filed to quash the final report filed for the offences of Sections 294 (b), 323 and 506 (i) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. Though notice was served on the 2nd respondent, none has entered appearance.



4. This Court by order dated 19.04.2023 in Crl.O.P.No.5096 of 2021 had quashed the proceedings against the co-accused and had observed as follows:

“5. This Court finds that admittedly there is an FIR filed by the first petitioner in Crime No.552 of 2017 against the defacto complainant. The FIR registered against the petitioners has culminated in the impugned final report. It is admitted that Crime Nos.552 and 553 of 2017 arise out of the same transaction. The respondent police ought to have adopted one of the two courses available to them as spelt out in the Police Standing Orders. The respondent police cannot file a final report in one case first and thereafter investigate and file final report in the other case later. Such a course adopted would be in clear violation of the police standing orders besides causing prejudice to the petitioners. It is clear that the object of the said provision is to avoid two versions which are contrary to each other being placed before the Court in the form of two final reports. Since the action of the respondent police is contrary to the said police standing orders, the impugned final report is liable to be quashed and hence



Crl.O.P.No.1776 of 2021

quashed.”

WEB COPY

5. The above observation squarely applies to the petitioners herein and the final report is liable to be quashed against the petitioner also. Therefore, the petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

kan

To

1.The District Munsif cum Judicial Magistrate,
Cheyyur.

2.The Inspector of Police
Chithamur Police Station,
Kancheepuram District.



WEB COPY



Crl.O.P.No.1776 of 2021

SUNDER MOHAN. J,

kan

Crl.O.P.No. 1776 of 2021

06.06.2023