



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17543 of 2023

Jayapal

... Petitioner

Vs.

1.State rep. by,
The Inspector of Police,
Kallakuruchi Police Station,
Villupuram.

2.George Washington
Block Development Officer,
Panchayat Union,
Kallakurichi.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.69 of 2008 pending on the file of the respondent police and quash the same as against the petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1



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ORDER

This criminal original petition has been filed to quash the FIR registered in Crime No.69 of 2008 pending investigation before the 1st respondent.

2.When the matter came up for hearing on 07.08.2023, this Court passed the following order:

Mr.A.Damodaran, learned Additional Public Prosecutor takes notice for the respondents.

2.It is seen from records that the second respondent had given a complaint for an incident that had taken place in the year 2007 and according to the second respondent, the accused persons had misappropriated funds belonging to the Panchayat to the tune of Rs.4,04,726/-. Based on the same, an FIR came to be registered in Crime No.69 of 2008. It is nearly fifteen years since the FIR was registered and till date, no final report has been filed. The petitioner is now aged about 75 years and due to the pendency of the FIR, the petitioner has been put to hardship.

3.Post this case under the caption “For Orders” on



04.09.2023.

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3. When the matter was taken up for hearing today, the learned Government Advocate on instructions submitted that the investigation is pending till date.

4. The allegation that has been made against the petitioner and another is that they have misappropriated the funds belonging to the Panchayat to the tune of Rs.4,04,726/- The FIR is pending for more than fourteen years and the petitioner is already 75 years old. This inordinate delay in not completing the investigation, by itself is a punishment for the petitioner. That apart, the petitioner has also alleged in the petition that the complaint itself was lodged with a malafide intention due to political rivalry and therefore, according to the petitioner, the criminal proceedings is manifestly attended with malafides.

5. There is no reason to keep the FIR pending where there has been absolutely no progress in the investigation for more than fourteen years. Therefore, FIR in Crime No.69 of 2008 pending on the file of the 1st respondent is hereby quashed in entirety.



N.ANAND VENKATESH, J

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SSR

6. Accordingly, this criminal original petition stands allowed.

20.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
ssr

To

1. The Inspector of Police,
Kallakuruchi Police Station,
Villupuram.
2. The Block Development Officer,
Panchayat Union,
Kallakurichi.
3. The Public Prosecutor,
High Court, Madras.

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