



WEB COPY



Criminal Original Petition No.16548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.16548 of 2023

Murugan

S/o.Late Shri.V.Chinappa Naidu

...Petitioner

Vs

1.The Inspector of Police,
Polur Police Station,
Polur, Tiruvannamalai District.

2.G.Dharmalingam
S/o.Shri Govidasamy Naidu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in Crime No.1145 of 2011 on the file of first respondent herein and quash the same.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



ORDER

This petition has been filed seeking to quash the proceedings in Crime No.1145 of 2011 on the file of first respondent herein.

2. Heard Mr.B.Manoharan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. The First Information Report was registered on 04.10.2011 u/s.174 Cr.P.C. since the demise happened under suspicious circumstances. Thereafter, there was absolutely no progress and the petitioner after having waited for twelve long years has approached this Court seeking for quashing the First Information Report.

4. When the matter was taken up for hearing today, Mr.K.Iyappan, Sub-Inspector of Police, Polur Police Station, Thiruvannamalai District, was present from the first respondent police station. He also produced the case diary before this Court. It is seen from the case diary that after registration of the First Information Report on 04.10.2011, the petitioner was arrested



and remanded to judicial custody on 01.11.2011 and simultaneously, the alteration report was also filed before the concerned Court and the offence was altered to Section 306 IPC. That apart, the statements of the father and mother of the deceased were also recorded u/s.161(3) Cr.P.C. on 01.11.2011. Thereafter, there has been absolutely no progress in this case. When this Court asked the learned Additional Public Prosecutor as to why there is such an enormous delay in completing the investigation, learned Additional Public Prosecutor, on instructions, submitted that the case diary went missing and that it has now been reconstructed.

5. In the considered view of this Court, the petitioner was arrested in the year 2011 and the statements of the father and mother of the deceased was recorded in the year 2011. Thereafter, there has been absolutely no progress in this case. It is almost twelve years since the First Information Report was registered. The Damocles Sword cannot be kept hanging over on the head of the petitioner for ever and at some stage, the petitioner must know as to where he stands with regard to the criminal case that has been registered against him.



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6. Learned Additional Public Prosecutor submitted that within a period of four weeks, the investigating officer will either file a final report or a closure report, as the case may be, before the concerned Court.

7. Taking into consideration the facts and circumstances of the case and the enormous delay that has already occurred in this case, there shall be a direction to the first respondent to complete the investigation and to file a final report or a closure report, as the case may be, before the concerned jurisdictional Court within a period of four (4) weeks from today.

This Criminal Original Petition is disposed with the above direction. Consequently, connected miscellaneous petition is closed.

25.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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To

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- 1.The Inspector of Police,
Polur Police Station,
Polur, Tiruvannamalai District.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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