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Crl.O.P.No.5609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5609 of 2023

&

Crl.M.P.No.3515 of 2023

Vinchent @ [Prabhakaran]

... Petitioner

Vs.

1.The State rep by Inspector of Police
Anandapuram PS
Gingee TK
Villupuram District.
[Cr.No.253 of 2018]

2.Thankavel

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records in Crime No:253/2018 pending before the respondent Inspector of Police, Anandapuram Police Station, Gingee Taluk, Villupuram District to quash the same.

For Petitioner : Mr.M.Lourdu Savio

For Respondent : Mr.S.Santhosh, (for R1)
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to call for records in Crime No:253 of 2018 pending before the 1st respondent/ Inspector of Police, Anandapuram Police Station, Gingee Taluk, Villupuram District and to quash the same.

2. Learned counsel for the petitioner submitted that there are two cases counter to each other registered in Crime Nos. 252 & 253 of 2018. The respondent police filed final report in Crime No.252 of 2018, but, final report is not filed in Crime No.253 of 2018. The First Information Report allegations in Crime No.253 of 2018 show that, for the bench taken one month before, *de-facto* complainant said to have claimed the bench on 01.07.2018 and then the incident is said to have happened. The fact that final report is not filed in this case till now shows that, allegations made in the complaint and First Information Report are false. In the counter case, trial was conducted in S.C.No.18 of 2019 and ended in acquittal on 30.01.2023 on the file of Special Court for Trial of SC and ST Cases, Villupuram. In the said circumstances, learned counsel for the petitioner prays for quashing of this complaint.



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3. Learned Government Advocate (Crl.side) submitted that the investigation in this case is completed and he undertook to instruct the respondent police to complete the investigation and to file final report.

4. Considered rival submissions and perused the records. It is seen from the First Information Report allegations that the *de-facto* complainant had demanded the accused Sathyanathan, who is running a fast food shop to return his bench which he had been taken one month before without his permission. Accused Sathyanathan told him that he had taken the bench after getting permission from Babu Bai. *De-facto* complainant told him that bench belongs to him. Accused Vincent @ Prabhakaran scolded him in filthy language, fisted him on his face and beaten him with iron pipe repeatedly. Sathyanathan had also beaten the *de-facto* complainant with iron-rod and scolded him in filthy language. Merina Jersh scolded him in filthy language, kicked and hit him. When *de-facto* complainant's brother Saravanan tried to intervene, he was attacked by accused Sathyanathan and Prabhakaran with iron-rod. Accused made criminal intimidation with death threat. *De-facto* complainant was taken to G.H. and then to VPM M.M.C.G.H. for treatment.

5. The First Information Report allegations clearly make out a case of cognizable offence against the petitioner. It is not known why the respondent



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police has not completed investigation and filed final report, despite registration of FIR on 04.07.2018.

6. Finding that there is no merits in this petition, this Court dismisses this petition giving direction to the 1st respondent to complete investigation and file final report within a period of one month from the date of copy of this order. Consequently, connected miscellaneous petition is closed.

13.03.2023

Internet: Yes
Index: Yes/No

mpl



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G.CHANDRASEKHARAN, J.
mpl

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To

1.The Inspector of Police
Anandapuram PS
Gingee TK
Villupuram District.

2.The Public Prosecutor,
High Court of Madras.

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&
Crl.M.P.No.3515 of 2023

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