



CRL.O.P.No.26018 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No.26018 of 2021

and

Crl.MP.No.14412 of 2021

K.M.H.Rafiyutheen @ Rabi

.. Petitioner/Accused-4

Versus

1.The State by

Inspector of Police,

Polur Police Station,

Thiruvannamalai District.

... respondent/complainant

2.Mohammed Imran

... Respondent/ defacto complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and quash the FIR in Cr.No.208 of 2014 on the file of the respondent police.

For Petitioner : Mr. G.Balajivenkateswaran

For Respondent-1: Mr.A.Gopinath
Government Advocate (crl.side)

For Respondent-2: No appearance



ORDER

WEB COPY This Criminal Original Petition has been filed to quash the FIR in Cr.No.208 of 2014 on the file of the respondent police.

2.The case has been registered in Cr.No.208 of 2014 for the offences under Sec.147, 148, 294(b), 323, 324, 506(ii) IPC and Sec.3of the TNPPDL, 1992. As far as the charges framed for the offence committed by the petitioner/A4 is concerned, there is only one allegation made against him that he along with other accused abused the complainant and others and threatened them that he would kill them. Even though the FIR has been registered in the year 2014, investigation is still pending.

3. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

4.The learned counsel for the petitioner would submit that there is no overt act on the part of the petitioner and there is no serious allegations as against these petitioner/A4. Since the materials available on record does not disclose any case as against the petitioner, the FIR as against the petitioner should quashed.

5.The learned Government Advocate (crl.side) for the respondent



police submitted that the investigation is pending and a short time should be given to file the charge sheet.

6.It is observed by this Court on 16.11.2022 that the first accused had made a submission that the investigation has been completed and the charge sheet has been filed. When the status report is called for and the matter was taken up today, it has been simply stated as the investigation is pending.

7.The FIR has been registered as early as in the year 2014 and the investigation is still pending. The one and only allegation made by the second respondent against this petitioner and the others is that the accused abused him and threatened him with dire consequences. For an occurrence which is said to have occurred on 22.05.2014, a complaint has been given on the next day. But the allegations are very generalized and there is no specific overt act as against each of the accused against whom the complaint is given. Despite the case is pending for nearly 9 years, the first respondent did not come out with any report .

8.As time passes, it would have erase the memory of the second respondent and other witnesses. Since the case is pending for several years, many important materials would have got lost. Excepting sec.506(ii) IPC all



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other offences are punishable with an imprisonment of three years or below.

Even for sec.506(ii) IPC there is not a specific allegation of antecedents and hence the threat should be taken seriously. The FIR on the face of it does not make out a solid case against the petitioner and allowing the investigation after several years on the generalized allegations made in the FIR is a wasteful exercise. Hence, I feel in the interest of justice the proceedings in the entirety not only against the petitioner should be quashed. Hence the benefit of this order shall be extended to the other accused also .

In the result, this criminal original petition stands allowed and proceedings in FIR in Cr.No.208/2014 on the file of the respondent police is quashed. The benefit of this order shall be extended to the other accused also. Consequently connected miscellaneous petition is closed.

25.01.2023

Index: Yes/No

jrs

To:

1. The Inspector of Police,
Polur Police Station,

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Thiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

jrs

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