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Criminal Original Petition No.19095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19095 of 2023

and

CrI.M.P.No.12781 of 2023

Prasath
S/o.Selvaraj

...Petitioner

Vs

1.State represented by
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur.
Crime No.185 of 2012

2.Ronika Mary
W/o.Pichaikannu

... 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.185 of 2012 on the file of first respondent and quash the same.

For Petitioner : Mr.Swami Subramanian

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



ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.185 of 2012 pending investigation on the file of first respondent.

2. The case of the prosecution is that the second respondent/*de facto* complainant's husband is working abroad and she has two children. The daughter of one Palanisamy went missing and A1 is said to have gone to the house of the second respondent/*de facto* complainant on 19.03.2012 at about 08.30 p.m. and enquired about his son. At that time, there was a wordy quarrel and the accused person is said to have abused the second respondent/*de facto* complainant in filthy language and using her caste name, he also threatened her with a knife. That apart, the accused person also prevented the second respondent/*de facto* complainant from speaking with her brother-in-law. Thereafter, on 12.04.2012, the accused persons entered the house of the second respondent/*de facto* complainant and ransacked the house and caused huge loss to the second respondent/*de facto* complainant. Based on the complaint given by the second respondent/*de facto* complainant, a First Information Report came to be registered in



Crime No.185 of 2012 for offences u/s.294(b), 452, 506(ii) IPC, Section 3(i) of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 and Section 3(i)(x)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard Mr.Swami Subramanian, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

4. When the matter came up for hearing on 22.08.2023, this Court directed the learned Additional Public Prosecutor to take instructions as to the status of the case since the First Information Report has been pending for more than 11 years. Accordingly, the matter was posted for hearing today.

5. Learned Additional Public Prosecutor, on instructions, submitted that an alteration report was filed by the respondent police and the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, alone was removed.



6. The petitioner in this case has been arrayed as A2. At the time of the incident, the petitioner was aged about 20 years. The First Information Report has been pending for more than 11 years and now the petitioner is aged about 31 years. On carefully going through the allegations made in the First Information Report, it is seen that the main dispute in this case was between the second respondent/*de facto* complainant and A1 which took place on 19.03.2012. As a consequence, the second occurrence took place on 12.04.2012 and at that point of time, the petitioner is also said to have indulged in threatening the second respondent/*de facto* complainant and was also involved in causing damage to the articles belonging to the second respondent/*de facto* complainant.

7. The fact that nothing has happened in this case for more than 11 years and not even a final report has been filed till date shows that nobody has taken any interest in this case. No useful purpose will be served in proceeding with the investigation at this stage after 11 years considering the nature of dispute that is involved in this case. The petitioner (A2) has sufficiently suffered a punishment by virtue of the mere pendency of First Information Report against him for more than 11 years. The petitioner was



In the light of the above discussion, this Criminal Original Petition is allowed and the First Information Report in Crime No.185 of 2012 on the file of first respondent is hereby quashed insofar as the petitioner is concerned. Consequently, connected miscellaneous petition is closed.

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

1.The Inspector of Police,
Muthupettai Police Station,
Thiruvavur.

2. The Public Prosecutor, High Court, Madras.



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N.ANAND VENKATESH, J

gm

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