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CrI.O.P.No.31080 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.31080 of 2022

and

CrI.M.P.No.19019 of 2022

M.Anandan

S/o. Late. Muthu

... Petitioner

Vs.

1. The Inspector of Police,
B-3, Siva Kanchi Police Station,
Kanchipuram District.

2. Sarathkumar,
S/o.Jayaraman

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to F.I.R.No.1356 of 2017 pending on the file of the Inspector of Police, Kanchi Police Station, Kancheepuram and quash the same.

For Petitioner : Ms.J.P.Dhanyasree

For Respondents : Mr.A.Gopinath
Government Advocate [CrI.Side] [R1]
Mr.U.Sai Mani [R2]



Cr.O.P.No.31080 of 2022

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.1356 of 2017 pending on the file of the first respondent.

2. Heard Ms.J.P.Dhanyasree, learned counsel for petitioner, Mr.A.Gopinath, learned Government Advocate [CrI.Side] appearing for first respondent and Mr.U.Sai Mani, learned counsel appearing for second respondent.

3. This petition has been filed mainly on the ground that a false case was given against the petitioner and to substantiate the same, the *de facto* complainant/second respondent was also brought before this Court and he stated that he is not interested in prosecuting this case.

4. This Court considering the nature of allegation and the antecedents of the petitioner was not willing to quash the First Information Report on the ground of compromise and hence, passed the following order on 04.09.2023:

"This petition cannot be allowed on the ground of compromise. Hence, the learned counsel for the petitioner is



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CrI.O.P.No.31080 of 2022

directed to argue this case on merits.

Post this case under the caption "for admission" on 11.09.2023."

5. When this Court pointed out to learned Government Advocate [CrI.side] that the First Information Report was registered in the year 2017 and as to the stage of investigation in this case, learned Government Advocate [CrI.side], on instructions, submitted that investigation was completed and final report was filed before learned Judicial Magistrate II, Kancheepuram, on 18.06.2018 and till date, the same has not been taken on file. Learned Government Advocate [CrI.side] was informed by the police officer, who was present before this Court that the final report was not returned by the Court below and the same is kept pending.

6. In the light of the above submission, this Court is not inclined to interfere with the First Information Report at this stage. There shall be a direction to the learned Judicial Magistrate II, Kancheepuram, to act upon the final report filed on 18.06.2018 within a period of four (4) weeks. If ultimately, the concerned Court takes cognizance of the final

N.ANAND VENKATESH, J



Crl.O.P.No.31080 of 2022

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report and summons is issued to the petitioner and if the petitioner is aggrieved by the same, it is left open to the petitioner to work out his remedy in the manner known to law.

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

11.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
B-3, Siva Kanchi Police Station,
Kanchipuram District.

2.The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.31080 of 2022