



CrI.O.P.(MD)No.2024 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.2024 of 2023 and
CrI.MP(MD).No.1774 of 2023

Athiarasan

...Petitioner/Petitioner/Accused No.2

Vs.

1.State rep. by
The Sub Inspector of Police,
Radhapuram Police Station,
Triunelveli District.
(Crime No.37/2016)

... 1st Respondent/ 1st Respondent/
Complainant

2. K.Balasudha

...2nd Respondent/ 2nd Respondent /
Defacto complainant

PRAYER: This Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of the impugned FIR in Crime No.37 of 2016, dated 02.03.2016, pending on the file of the 1st respondent police and quash the same in respect of the petitioner concern.



Crl.O.P.(MD)No.2024 of 2023

For Petitioner : Mr.S.Krishna Kumar

For Respondent : Mr.R.Suresh kumar
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to call for the records of the impugned FIR in Crime No.37 of 2016, dated 02.03.2016, pending on the file of the 1st respondent police and quash the same in respect of the petitioner concerned.

2. The learned counsel appearing for the petitioner submits that there was a delay of four days in preferring the compliant. Even after the lapse of several years, no final report has been filed.

3. The learned Government Advocate (Crl. Side) would submit that final report was presented before the concerned Court on 14.12.2022 charging the accused for the offences punishable under Sections 447, 294(b), 341, 506(ii) IPC r/w. Section 3 of TNPPDL Act, and the further process will be taken as per Rules. He would further submit that due to the non availability of certain documents only the



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above said delay has occurred.

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4. Whether there was a delay in complaint is a matter for consideration by the trial Court and the delay cannot be raised at this stage.

5. Considering the fact that there is a damage of properties, it is not a fit case for quashment of FIR. If the petitioner is still aggrieved by the contents of the final report, he can workout his remedy through the appropriate proceedings, if so advised. Further, there shall be a direction to the concerned Court to process the final report, within the time stipulated.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

28.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
trp

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To

- 1.The Sub Inspector of Police,
Radhapuram Police Station,
Triunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J

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Order made in
CrI.O.P.(MD)No.2024 of 2023 and
CMP(MD).No.1774 of 2023

Dated : 28.03.2023