



CrI.O.P.(MD)No.20802 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.(MD)No.20802 of 2021
and
CRL.M.P.(MD)No.11905 of 2021

Samuvel

... Petitioner

Vs.

1.The State, Rep.by the Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
(Crime No.225 of 2021)

2.Ponraj

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court, to call for the records relating to FIR in Crime No.225 of 2021 dated 24.10.2021 on the file of the Inspector of Police, Seidunganallur Police Station, Thoothukudi District.

For Petitioner : Mr.Aayiram K.Selvakumar

For R1 : Mr.S.Meenakshi Sundaram,
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to quash FIR in Crime No.225 of 2021 pending on the file of the first respondent.

2.The prosecution case is that the petitioner threatened the defacto complainant in order to obtain money forcibly and attacked the defacto complainant with beer bottle attempting to murder the defacto complainant. Hence, the present complaint has been lodged.

3.The learned counsel for the petitioner submits that there is a previous enmity between the petitioner and one Daniel Anbarasan and others due to some property dispute. In order to wreck vengeance against the petitioner, this false complaint has been lodged at the instigation of the said Daniel Anbarasan by the defacto complainant. No such occurrence had taken place as alleged by the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the investigation in this case has been completed and charge sheet has also been filed in S.C.No.205 of 2022 on the file of the Sub Court, Thiruchendur.



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5.The learned counsel for the petitioner points out that this Court had granted an order of interim stay on 03.01.2022. Despite such interim order, the respondent police investigated the matter and also filed a charge sheet.

6.Perusal of the records reveals that admittedly, interim stay was granted on 03.01.2022, thereafter, the same was not extended. Thus, this Court is of the view that as per the directions issued by the Hon'ble Apex Court in the case of *Asian Resurfacing of Road Agency Private Limited and Another v. Central Bureau of Investigation* [(2018) 16 SCC 299] that where the matter remains pending for longer period, the order of stay will stand vacated on expiry of six months, unless extension is granted by a speaking order showing extraordinary situation where continuing stay was to be preferred to the final disposal of trial by the trial Court, filing of charge sheet by the respondent police cannot be faulted.

7.At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw the petition with liberty to challenge the charge sheet. He has also made an endorsement to that effect.



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8.Recording the same, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to challenge the charge sheet, if he so desires. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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