



CRL MP(MD). No.17367 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Nineteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD). No.17367 of 2023

in

CRL.O.P(MD)NO.1402 OF 2023

1. S.Senthilkumar

2. V. Hemalatha

... Petitioners/ Accused Nos.3 & 4.

Vs

1 The Inspector of Police

E2 Mathichayam Crime Police Station,
Madurai District. Crime No.51/2019

2 K.Anantha Kumar

... Respondent No.2/Petitioner

Prayer :-

Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., to pass an Recall the order in Crl OP(MD) No.1402/2023 dt.25.01.2023 passed by this Honble Court.

Prayer in CRL.O.P(MD)NO.1402 OF 2023:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent to file the final report in Crime No.51 of 2019 dated 03.02.2019 on the file of the respondent within the time stipulated by this Court.

<https://www.mhc.tn.gov.in/judis>



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ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. J. Pandi Dorai, Advocate for the Petitioners and of Mr. S.S. Madhavan, Government Advocate for the 1st respondent, and A. Ganesan, Advocate for the 2nd Respondent, this Court made the following order:

The Criminal Miscellaneous Petition has been filed seeking orders to recall the order passed by this Court in Crl.O.P.(MD)No.1402 of 2023 dated 25.01.2023.

2. The learned counsel appearing for the petitioners would submit that the petitioners have already filed a petition before this Court in Crl.O.P.(MD)No.16962 of 2022 seeking orders to quash the FIR in Crime No.51 of 2019 dated 03.02.2019 and a learned Judge of this Court has passed an interim order directing the first respondent police therein to proceed with the investigation but not to file final report till the disposal of the criminal original petition, but subsequently, the second respondent has filed a petition before this Court in Crl.O.P.(MD)No.1402 of 2023 seeking a direction to the first respondent police to file a final report in Crime No.51 of 2019 within the time stipulated by this Court, that this Court, vide order dated 25.01.2023, directed the first respondent police to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of



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this order and that since there was an earlier direction passed by this Court not to file final report, the first respondent police has been directing the petitioners to appear before them for further investigation and that is why, they were constrained to file the above petition to recall the order.

3. The learned counsel appearing for the second respondent would submit that they have already mentioned the Court where the Crl.O.P.(MD)No.16962 of 2022 is pending, for taking up the petition for final disposal.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that on the basis of the instruction given by the concerned police, it was submitted that investigation was almost completed except the receipt of the forensic lab report and seeks three months time and on that basis, direction was issued to complete the investigation and file a final report within three months. He would further submit that they came to know that the documents were not at all sent to the forensic lab and as such, the question of getting report from the forensic lab does not arise.

5. It is seen from the records that only on the basis of the submission made by the learned Government Advocate (Criminal Side) that investigation was almost



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completed, this Court has directed the concerned police to complete the investigation and file a final report within three months. But admittedly, the direction of this Court passed in CrI.O.P.(MD)No.16962 of 2022 was not brought to the notice of this Court.

6. Considering the fact that a learned Judge of this Court has already issued direction not to file final report, this Court is inclined to recall the order passed in CrI.O.P.(MD)No.1402 of 2023 dated 25.01.2023 directing the first respondent police to file final report within three months. Accordingly, this Criminal Miscellaneous Petition is ordered.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/01/2024

Sub Assistant Registrar
(CS-I/II/III/IV)



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TO
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- 1 The Inspector of Police
E2 Mathichayam Crime Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

+ 1.c.c. To M/s. A. Ganesan, Advocate (SR.No.57498)

ORDER DATED : 19/12/2023

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ORDER

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in

CRL.O.P(MD)NO.1402 OF 2023

Giving direction and etc.
as stated within.

SSA/29.12.2023 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023