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Criminal Original Petition No.952 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.952 of 2024

and

CrI.M.P.No.620 of 2024

1. Parvathy Ammal,
W/o.Natarajan

2. Ruby Ammal,
W/o.Ram Singh

... Petitioners

Vs.

1. The State represented by its,
The Inspector of Police,
Kodambakkam Police Station,
Chennai.
Cr.No.2333/2014

2. Kasidurai,
S/o.Subbaiya Nadar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the First Information Report in Cr.No.2333/2014 on the file of the first respondent, quash the same.

For Petitioners : Mr.G.Mageshkumar

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor[R1]



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ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.2333 of 2014 on the file of the first respondent.

2. When the matter came up for hearing on 29.01.2024, this Court passed the following order:

"The learned Additional Public Prosecutor on instructions submitted that final report is yet to be filed.

2. This Court had already directed by an order dated 09.11.2023 in CrI.O.P.No.24237 of 2023 to file the final report within a period of 90 days.

3. In view of the same, there shall be a direction to the first respondent to file a status report before this Court and explain the stage of investigation and as to why the order passed by this Court has not been complied with.

4. Post this case under the same caption 'quash admission - F.I.R. quash' on 12.02.2024."

3. When the matter was taken up for hearing, a status report was filed by the first respondent and the relevant portion is extracted hereunder:

"9. It is further submitted that it is pertinent to note that the allegations made by the defacto complainant against the accused persons as different facts and different allegations. Hence, there was two FIR registered in Crime Nos.1818 of 2013 and 2333 of



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2014, u/s. in Cr.No.1818 of 2013, u/s.406, 420, 467, 468, 471 IPC on 03.10.2013 and Crime No.2333/2014, u/s.420 IPC on 18.12.2014 respectively. It is totally different set of allegations against the persons alleged by the defacto complainant and further note to that, the said FIRs filed by the same complainant/Tr.Kasidurai and the accused persons are same, but allegations are totally different from the earlier FIR. The said 1st FIR was completed the investigation in Cr.No.1818 of 2013 and convicted the accused and the another FIR was completed the investigation in Cr.No.2333/2014 and filed charge sheet before XVII Metropolitan Magistrate, Saidapet, Chennai through E-filing and the same was taken on file vide SR.No.2667 of 2024, dated : 03.02.2024.

10. I submit that at the stage of pending trial, now the petitioners/accused filed this present Petition before this Hon'ble High Court seeking to call for the records/quash relating to the First Information Report in Cr.No.2333 of 2014 on the file of First respondent as prayed by the petitioner.

11. I submit that respondent police registered a case and conducted the investigation in a fair, free and impartial manner in accordance with law. After completion of investigation, the respondent police filed a charge sheet against accused persons before the concerned court in accordance with law and the same was closed on 09.02.2024 by the said court, since the duration of said filing charge sheet of the above under sections 294(b), 506(i) IPC was only three years."

4. In the light of the above status report, it is seen that investigation was completed and final report was also filed before the Court below and the Court below closed the case on 09.02.2024 on the ground that the period of limitation has already come to an end. The Court below was not inclined to exercise its jurisdiction u/s.473 Cr.P.C.



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N.ANAND VENKATESH, J.

gm

Recording the above, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

19.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
Kodambakkam Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

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