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CrI.O.P.No.3989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3989 of 2024

And

CrI.M.P.No.2962 of 2024

Rajesh

... Petitioner

Vs.

1.The Inspector of Police,
Panruti Police Station
Cuddalore District.
(Crime No.1185 of 2013)

2.Gopalsamy

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the proceedings concerned in Crime No.1185 of 2013 on the file of Inspector of Police, Panruti Police Station, Cuddalore District.

For Petitioner : Mr.S.Sasikumar
For Respondents : Mr.A.Gopinath for R1
Government Advocate (CrI. Side)

O R D E R

This petition has been filed seeking to quash the F.I.R. pending



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investigation in Crime No.1185 of 2013 on the file of the first respondent.

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2.The case of the prosecution is that on 22.12.2013 at about 8.00 p.m., when the Police patrol was doing their regular rounds, they found the accused persons parking their two wheelers in the middle of the road and they started preventing the others from using the road. When they were questioned, they started abusing the Police and they were in possession of deadly weapons and they also threatened to attack the Police. Any amount of pursuation did not work and left with no other option, the F.I.R. came to be registered in Crime No.1185 of 2013 as against five named accused persons for offence under Sections 147, 148, 188, 294(b), 353, 447, 452, 506(ii) of I.P.C. the accused persons were also arrested and remanded to judicial custody.

3.This quash petition has been filed mainly on the ground that there has been absolutely no progress in the investigation for the last ten years and therefore, the petitioner (A2) is seeking for quashment of the F.I.R. pending investigation before the first respondent.

4.When the matter came up for hearing on 22.02.2024, this



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Court directed the learned Government Advocate to take instructions on the status of investigation.

5. When the matter was taken up for hearing today, the learned Government Advocate on instructions submitted that the CD file was lost and therefore there is no progress in the investigation. Thereafter, the papers were re-constructed after getting a certified copy from the learned Judicial Magistrate No.I, Panrutti. The learned Government Advocate submitted that the investigation will be completed and the final report will be filed as expeditiously as possible.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

7. In the instate case, the petitioner claims that one Devanathan had murdered the daughter of the petitioner on 18.12.2013 and a complaint was given before the Kadampuliyur Police Station. An F.I.R. was registered in Crime No.431 of 2013 under Section 174 of Cr.P.C. Since no effective action was taken by the Police, the petitioner and others who are the relatives made a protest by resorting to a road roko. This resulted in the registration of the F.I.R.



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8.In the considered view of this Court, there has been absolutely no progress in the investigation for more than ten years. The entire incident had taken place following a protest that was made by the petitioner and his relatives. No one was injured in the incident and no damage to public property was caused. The very fact that the F.I.R. was pending for more than ten years, itself is sufficient punishment to the accused persons. No useful purpose will be served in continuing with the agony any longer. In any case, due to the passage of time, the memory of the witnesses will also fade and nothing will come out in the trial at this length of time.

9.In the light of the above discussion, the F.I.R. in Crime No.1185 of 2013 on the file of the first respondent is quashed in its entirety and this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

29.02.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

- 1.The Inspector of Police,
Panruti Police Station
Cuddalore District.
(Crime No.1185 of 2013)
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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