



Crl.O.P.No.4447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4447 of 2024

and

Crl.M.P.No.3263 of 2024

S.Prabakaran @ Prabakar
S/o.Shanmugam

... Petitioner

Vs.

1. The Inspector of Police,
CSCID (Civil Supply Crime Investigation Department).
Chennai,
Salem.
(Crime No.150 of 2021)

2. Malarvizhi,
Sub Inspector of Police,
Salem Police Station,
Salem District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for the records from the first respondent Police in Crime No.150 of 2021 and to quash the same insofar as the petitioner is concerned.



CrI.O.P.No.4447 of 2024

For Petitioner : Mr.R.Thirumoorthy
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the First Information Report in Crime No.150 of 2021 on the file of respondent police.

2. Heard Mr.R.Thirumoorthy, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. Learned Additional Public Prosecutor submitted that investigation in the case has been completed and final report has already been filed before the learned Judicial Magistrate - II, Salem on 15.02.2024.

4. Learned counsel for the petitioner submitted that FIR was registered on 15.10.2021 and the offence for which the FIR was registered is



CrI.O.P.No.4447 of 2024

punishable for a maximum imprisonment of one year. Therefore, even if the final report is filed before the Court below, it cannot be taken cognizance by virtue of the bar under Section 468(2)(b) of Cr.P.C.

5. In the considered view of this Court, the final report has already been filed before the Court below. If the same is barred, the Court below cannot take cognizance without issuing notice to the accused person. If the Court wants to exercise its jurisdiction under Section 473 of Cr.P.C, the petitioner can wait for such eventuality to work out his remedy in the manner known to law.

6. This Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

27.02.2024

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

vji

Page 3 of 5



Crl.O.P.No.4447 of 2024

WEB COPY

To

1. The Inspector of Police,
CSCID (Civil Supply Crime Investigation Department).
Chennai,
Salem.
(Crime No.150 of 2021)
2. Malarvizhi,
Sub Inspector of Police,
Salem Police Station,
Salem District.



WEB COPY



Crl.O.P.No.4447 of 2024

N.ANAND VENKATESH, J.

vji

**Crl.O.P.No.4447 of 2024
and
Crl.M.P.No.3263 of 2024**

27.02.2024