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Criminal Original Petition No.5490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5490 of 2024

and

Crl.M.P.No.4010 of 2024

M.Venkatesh

S/o.T.Munusamy

... Petitioner

Vs.

1.State by

The Inspector of Police,
G3, Kilpauk Police Station,
Kilpauk, Chennai.
Crime No.997 of 2013

2.K.Raju

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records pertaining to the impugned FIR in Crime No.997 of 2013 dated 24.12.2013 on the file of first respondent and quash the same.

For Petitioner : Mr.R.Prabudoss

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.997 of 2013 pending investigation on the file of the first respondent.

2. Heard Mr.R.Prabudoss, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. The second respondent gave a complaint to the first respondent to the effect that the petitioner trespassed into the office premises of BSNL and started throwing stones and thereby the window glasses, car windscreens, surveillance camera *etc.* were all damaged. Thereby, the petitioner caused damage to the tune of Rs.1,00,000/-. Based on this complaint, a First Information Report came to be registered in Crime No.997 of 2013 on 24.12.2013.

4. The quash petition has been filed by the petitioner on the ground that for the past 11 years, there has been absolutely no progress in the investigation and the petitioner has already been removed from service and therefore, he has sought for quashing the First Information Report.



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5. When the matter came up for hearing on 07.03.2024, this Court directed the learned Additional Public Prosecutor to take instructions regarding the stage of investigation. Accordingly, the matter was posted for hearing today. Learned Additional Public Prosecutor submitted that investigation is pending and that no final report has been filed in this case.

6. In the considered view of this Court, the petitioner was working in BSNL and some disciplinary proceedings were initiated against him. On the date of occurrence, the petitioner seems to have trespassed into the premises and had caused damage to the property belonging to BSNL. The departmental proceedings have ended in dismissal from service which was subsequently modified by the appellate authority to one of compulsory retirement from service.

7. The very pendency of the First Information Report against the petitioner for more than eleven years is sufficient punishment against the petitioner. The petitioner has also lost his job. Therefore, no useful purpose will be served in keeping the First Information Report pending



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N.ANAND VENKATESH, J.

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at this length of time. This Court is therefore inclined to exercise its jurisdiction u/s.482 Cr.P.C. and quash the First Information Report.

8. In the light of the above discussion, the First Information Report in Crime No.997 of 2013 pending investigation on the file of the first respondent, is hereby quashed.

In the result, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is closed.

14.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
G3, Kilpauk Police Station,
Kilpauk, Chennai.
Crime No.997 of 2013

2.The Public Prosecutor, High Court, Madras.

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