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Crl.O.P.No.6472 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6472 of 2024

Jothimani.

... Petitioner/Accused 2

/versus/

1. State Rep. by
The Inspector of Police,
CSCID Police, Cuddalore District.
Crime No.239 of 2013

... Respondent/Complainant

2. The Deputy Registrar,
TNCS Department,
Cuddalore District.

... Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Crime No.239 of 2013 on the file of the 1st respondent and quash the same as illegal, incompetent and abuse of process by allowing the present Criminal Original Petition.

For Petitioner : Mr.C.Nithiyanandam

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to quash the F.I.R No.239 of 2013 on the file of the 1st respondent police.

2. The Learned Counsel appearing for the petitioner states that alleging there was double billing in the Co-operative Store, the departmental proceedings was initiated. Since the petitioner repaid the money misappropriated, the period of suspension was taken as punishment and he was restored in service. This incident took place in the year 2012. The departmental proceedings reached finality on 16.02.2013 and thereafter, complaint was lodged by the department before the 1st respondent and for the past 11 years final report not been filed. Due to inordinate delay in completing the investigation and also there is no misappropriation as alleged to attract offences under Section 6(2)(3) TNSC (RDCS) order 1982 r/w 7(1) (o)(ii) of EC Act, 1955, the F.I.R has to be quashed

3. The Learned Government Advocate (Crl.Side) appearing for the respondent states that the investigation in this case has been completed and final report filed through e-filing on 10.01.2024 and same has to be taken on file by the Judicial Magistrate-I, Cuddalore.



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4. Since, final report already filed, this Court is not inclined to entertain the quash petition. However, direct the trial Court to take the final report on file as early as possible and complete the trial, within a period of six months, from the date of receipt of copy of this order.

5. With the above observation, this ***Criminal Original Petition*** is ***disposed of.***

17.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Copy to:

1. The Inspector of Police,
CSCID Police, Cuddalore District.

2. The Deputy Registrar,
TNCS Department,
Cuddalore District.

3. The Public Prosecutor, High Court of Madras, Chennai.



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DR.G.JAYACHANDRAN,J.

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