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Crl.O.P.No.14338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.06.2024

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl.P.No.14338 of 2024

K.Govindan

..Petitioner

/versus/

1.The State rep.by the Inspector of Police,
Thirukoilur Police Station,
Thirukoilur,
Kallakurichi Taluk.

2.The Sub Inspector of Police,
Thirukoilur Police Station,
Thirukoilur, Kallakurichi Taluk.

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records and set aside the order passed by the Judicial Magistrate in Crime No.133 of 2013 dated 08.07.2017 consequently direct the 1st respondent to file final report in Crime No.133 of 2013, dated 13.03.2013 in accordance with law.

For Petitioner :Mr.R.Pushpalatha
For Respondents :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)



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Crl.O.P.No.14338 of 2024

ORDER

The petitioner herein, being aggrieved by the closure of First Information Report under Section 468 of Cr.P.C., by the Judicial Magistrate, Thirukoilur, is before this Court stating that the investigation in Crime No.133 of 2013 has not been properly conducted by the Investigating Officer leading to closure of the First Information Report. Hence, the closure order to be recalled and re-investigation must be done.

2. The learned counsel appearing for the petitioner submitted that the connected case in Crime No.980 of 2011 is still pending on the file of the Judicial Magistrate, Thirukoilur. Hence, the First Information Report, which has already been closed, reopened and reinvestigated and also clubbed along with C.C.No.231 of 2013. He also stated that there is a civil suit pending between the parties.

3. On perusal of the petition, this Court finds that pursuant to the property dispute followed by theft of timbers, the case been registered



Crl.O.P.No.14338 of 2024

in Crime No. 980 of 2011 dated 31.12.2011. Subsequent to that, the case in Crime No.133 of 2013 for the offence punishable under Sections 379(NP), 147, 294(b), 506(ii) of IPC altered into Sections 379(NP), 147, 294(b), 506(i) of IPC been registered. Since the investigation is completed within a period of three years, the Judicial Magistrate taking note of the nature of the offences, which are not punishable above three years, had closed the First Information Report invoking power under Section 468 of Cr.P.C.

4. The petitioner herein is now before this Court after seven years of the closure report dated 08.07.2017, to set aside the same. In the criminal justice system, the accused persons cannot be kept perpetually waiting. That is the reason why the limitation for minor offence been prescribed under the Code.

5. The trial Court after taking note of the fact that for the alleged offence committed in the year 2013, the police has failed to file the final report even after four years and therefore, closed the First



Crl.O.P.No.14338 of 2024

Information Report in Crime No.133 of 2013. While the fact being so, after seven years, if the Court recall the order of the trial Court, dated 08.07.2017 will be mockery. Hence, this Criminal Original Petition is dismissed.

20.06.2024

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To:

1.The Judicial Magistrate, Thirukoilur.

2.The Inspector of Police, Thirukoilur Police Station, Thirukoilur, Kallakurichi Taluk.

3.The Sub Inspector of Police, Thirukoilur Police Station, Thirukoilur, Kallakurichi Taluk.

4.The Public Prosecutor, High Court, Madras.



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CrI.O.P.No.14338 of 2024

DR.G.JAYACHANDRAN,J.

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CrI.O.P.No.14338 of 2024

20.06.2024