



Crl.O.P.No.8433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8433 of 2024
& Crl.M.P.No.6175 of 2024

1. Mrs.Madhu Dadha.
2. Mr.Ankush Dadha.
3. Mr.Apoorva Dadha.

... Petitioners/Accused 5 to 7

/versus/

1. The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai – 600 079.

...Respondent/Complainant

2. Mrs.Ratna Kavar.

...Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.750 of 2012 pending on the file of the 1st respondent police and quash the F.I.R registered against them.

For Petitioners : Mr.A.M.O.Gurunarayana Rao

For R1 : Mr.K.M.D.Muhilan.
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 in Crime No.750 of 2012 on the file of 1st respondent police.

2. The petitioners/accused 5 to 7 in Crime No.750 of 2012 pending on the file of 1st respondent police. The matter being pending investigation for more than 12 years but so far, final report not filed.

3. The Learned Counsel appearing for the petitioners submitted that there are in fact victim of the crime. However, they have been wrongly arrayed as accused in the F.I.R.

4. The Learned Government Advocate (Crl.Side) appearing for the respondent submits that in the course of investigation summons were issued to these petitioners since they have not participated in the enquiry and not able to ascertain whether they are accused or victim of crime. If the petitioners participate in the enquiry, they will be able to take decision about their role in the alleged incident. Further, the Learned Government Advocate (Crl.Side) appearing for the



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1st respondent also brought to the notice of this Court that the defacto complainant had move this Court in Crl.O.P.No.1914 of 2024, wherein he has sought for transfer of investigation for the F.I.R.No.750 of 2012. However, this Court has fixed three months time to complete the investigation and file final report or closure report as the case may be and dispose of the said application on 04.03.2024.

5. In view of the above direction, the respondent police is bound to complete the investigation within time prescribed already by this Court. Hence, it is not necessary to interfere in the investigation at this stage as mentioned above. The petitioners shall co-operate with the investigation and once the investigation is completed, there will be a clear picture whether they must be arrayed as an accused or witnesses.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

05.04.2024



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Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order
bsm.

Copy to:-

1. The Inspector of Police, C-2, Elephant Gate Police Station,
Chennai – 600 079.
2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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