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CrI.O.P.No.13439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.13439 of 2024

and

CrI.M.P.No.8147 of 2024

Karalmarks

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.72/2019)

2.Selvanayagam
The Sub Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records from the 1st respondent police in Crime No.72 of 2019 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.R.Thirumoorthy

For R1 : Mr.S.Udayakumar
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition is filed to quash the Crime No.72 of 2019 dated 28.01.2019 on the file of the 1st respondent pending investigation till date.

2. The learned counsel appearing for the petitioner submitted that the case been registered against 51 persons, in which, 3 were named for assembling unlawfully to agitate in the public place for the offence under Sections 143, 341 and 188 IPC. As far as the named accused are concerned, this Court has quashed the FIR in Crl.O.P.No.18150 of 2022 dated 10.08.2022. This petitioner is unnamed accused seeks quash of the FIR on the ground that the allegations found in the FIR does not attract offence under Sections 341 & 188 IPC and his presence among the unlawful assembly also not been spoken by any of the witnesses and furthermore, the inordinate delay in completing the investigation and file final report also warrants interference.

3. This Court on perusing the FIR and on hearing the learned Government Advocate (Crl.Side) understand that though the investigation was completed long back, police has not chosen to file final report till



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date. In the light of the above facts, since the FIR against the named accused already been quashed by this Court on 10.08.2022, a detailed order, same holds good for the petitioner herein who is not an accused named in the FIR. Hence this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

10.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

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

Dr.G.JAYACHANDRAN,J.

rpl



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