



Crl.O.P.No.30244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.30244 of 2024

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K.Jayaraj

.. Petitioner

Vs.

1. State Rep. by The Inspector of Police,
Thazhambur Police Station,
Pallikaranai, Chennai
(Crime No.274 of 2017)

2. Chandrasekar (Sub-Inspector of Police)
S/o not known
Thazhambur Police Station,
Chennai.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.274 of 2017 on the file of the first respondent and quash the same.

For petitioner : Mr.K.Rahul

For respondents: Mr.S.Sugendran, Addl.P.P. for R-1

Page No.1/5



CrI.O.P.No.30244 of 2024

ORDER

This petition is filed to quash the records in Crime No.274 of 2017 on the file of the first respondent.

2. The Commissioner of Police, Tambaram City Police, Chennai. has produced a status report, before this Court on 09.12.2024.

3. It is seen from the xerox copy of the extract of the docket order dated 01.11.2022 of the learned Judicial Magistrate No.1, Chengalpattu that, "FIR closed as Barred by Limitation u/s 468(2) of Cr.P.C.".

4. Despite the above closure of the FIR, the petitioner/accused has filed the copy application before the District Munsif-cum-Judicial Magistrate, Thiruporur and since no FIR was sent to the District Munsif-cum-Judicial Magistrate, Thiruporur, no case was transferred/registered before the Judicial Magistrate No.1, Chengalpattu or to the District Munsif-cum-Judicial Magistrate, Thiruporur. Further, the Judicial Magistrate No.1, Chengalpattu made an endorsement in the docket order dated 01.11.2022 stating that the FIR was closed as barred by limitation under Section 468(2) of Cr.P.C. The petitioner is well aware that a case registered originally before the first respondent-Inspector of Police, Thazhambur Police Station, Pallikaranai. After the State has taken a policy that every Taluk must have a Magistrate in the year 2023 itself, the



CrI.O.P.No.30244 of 2024

Magistrate Court has been constituted in Thiruporor Taluk. Therefore, the petitioner, without knowing the above facts, had filed only a petition with copy application before the District Munsif-cum-Judicial Magistrate, Thiruporur, but no case had been transferred to Thiruporur Magistrate, and however, the FIR/Crime No.274 of 2017 was closed on the ground that the same is barred by limitation under Section 468(2) Cr.P.C. Therefore, nothing further survives for further adjudication in this petition, since no case is pending as on date, as the FIR was closed on the ground of limitation. Earlier, a case was registered on the file of Thazhambur Police Station (Tambaram City) in the above said crime number for the offences under Sections 294(b), 506(i) IPC read with Section 7(1)(a) of the Criminal Law Amendment Act. The Inspector of Police, Thazhambur Police Station has not conducted the investigation, but laid charge sheet within the period of limitation. Therefore, the complaint was closed by the Judicial Magistrate No.1, Chengalpattu under Section 468(2) Cr.P.C.

5. Hence, the Commissioner of Police, Tambaram Commissionerate, Tambaram, Chennai and the Deputy Commissioner of Police, Tambaram, Chennai, are hereby directed to take action against the concerned Inspector of Police and find out as to who are all in-charge of the Thazhambur Police Station, Pallikaranai, Chennai, for not completing the investigation and not filing charge-sheet before the Court concerned within the stipulated time as enshrined in the



Crl.O.P.No.30244 of 2024

Criminal Procedure Code (Cr.P.C). After taking action, the Commissioner of Police, Tambaram Commissionerate, Chennai and the Deputy Commissioner of Police, Tambaram, Chennai, are directed to send action taken report before this Court.

6. With the above observations and directions, this petition is disposed of.

11.12.2024

CS

To

1. The Inspector of Police,
Thazhambur Police Station,
Pallikaranai, Chennai
(Crime No.274 of 2017)
2. The Commissioner of Police,
Tambaram City, Chennai.
3. The Deputy Commissioner of Police,
Tambaram City, Chennai.
4. The Public Prosecutor, High Court, Madras.
5. The District Munsif-cum-Judicial Magistrate, Thiruporur.
6. The Judicial Magistrate No.1, Chengalpattu.

Page No.4/5



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Crl.O.P.No.30244 of 2024

P.VELMURUGAN, J

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Crl.O.P.No.30244 of 2024

11.12.2024

Page No.5/5