



Crl.O.P.No.18634 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.18634 of 2022

and

Crl.M.P.No.12319 of 2022

Tamil @ Tamil Azhagan

... Petitioner

Versus

State rep. by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur Dt.
(Crime No.295 of 2014)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the Crime No.295 of 2014 on the file of E-5, Sholavaram Police Station, Thiruvallur District and quash the same.



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For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No. 295 of 2014 on the file of respondent police.

2. Heard both sides.

3. The petitioner is ranked as A3 in the F.I.R. in Crime No.295 of 2014 for an offence under Sec.399 of I.P.C. based upon the complaint given by the respondent police. As per the F.I.R. allegation, on the alleged date i.e. on 04.05.2014 when the respondent/defacto complainant was on patrol duty, while crossing the Pudur lake area, they found that the petitioner along with others hided in the said lake area around 03.30 a.m. holding with deadly weapons and they have attempted to run away from the place of occurrence on seeing the respondent police. Based on that, he



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gave a complaint and the F.I.R. in Crime No.295 of 2014 was lodged against this petitioner and other 5 accused.

4. The learned counsel for petitioner would submit that the petitioner was not at all present in the scene of occurrence and he was falsely implicated in this case. He would submit that as he is a B.A. graduate, he is seeking for a Government job, but due to the pendency of F.I.R., he is not able to settle in his life. Hence, he prayed to quash the proceedings initiated against the petitioner. In support of his contentions, he relied the ratio laid down in the authority held by the Apex Court in ***Crl.Appeal No.2310 of 2022, dated 16.12.2022*** in the case of ***Hasmukhlal D. Vora and another vs. The State of Tamil Nadu*** and argues that there is an inordinate delay on the side of prosecution to submit a final report, which can be taken into consideration to quash the proceedings and also there is no basic materials on the side of prosecution to implicate him in this case.



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5. By way of reply, the learned Government Advocate (Criminal Side) appearing for respondent would submit that at the time of patrol duty, the respondent police found the petitioner along with other accused with deadly weapons. Accordingly, he raised strong objections.

6. Admittedly, the F.I.R. was lodged in the year of 2014, but all these 8 years, final report was not filed. So, the inordinate delay in the investigation is also to be taken as a ground, when there is no proper reason assigned by the prosecution. If the reason for the inordinate delay of more than 8 years is not explained, thereby the case is at the initial stage of investigation also one of the ground to quash the proceedings as per the ratio laid down in the authority held by the Apex Court in ***Crl.Appeal No.2310 of 2022, dated 16.12.2022*** in the case of ***Hasmukhlal D. Vora and another vs. The State of Tamil Nadu.***

Therefore, in rarest of rare cases, it can be taken into consideration. According to the petitioner, at his young age of 26 years, he was implicated in this case and now he is aged about 34 years, but due to pendency of criminal case, he is not able to get a job. Moreover, learned



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Government Advocate also admits that except this F.I.R., there is no other F.I.R. lodged against the petitioner by the respondent police as on date. So, on considering the fact that there is no bad antecedents against the petitioner and also he was not indulged in similar activities and also considering the unexplained inordinate delay on the side of prosecution to submit a report, this Court is inclined to quash the proceedings initiated against him alone. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against him in F.I.R. in Crime No. 295 of 2014 is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

11.01.2024

Index: Yes/No
Internet: Yes/No
rpp

To

1. The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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