



Criminal Original Petition No.1853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1853 of 2024

Jaganathan
S/o.Selvaraj

... Petitioner

Vs.

1.The Inspector of Police,
Kandili Police Station,
Vellore District.

2.P.Raji
S/o.Pandian @ Perumal

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure pleased to quash the First Information Report in Crime No.74 of 2018 on the file of Inspector of Police, Kandili Police Station, Vellore District.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This petition has been filed to quash the First Information Report in Crime No.74 of 2018 pending investigation on the file of first respondent.

2. Heard Mr.C.D.Sugumar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. The First Information Report was registered on 05.03.2018 for offences u/s.279, 337 and 304-A IPC. The main ground that has been urged by learned counsel for petitioner is that till date the final report has not been filed. Therefore, even if the final report is filed, there is a bar in taking cognizance u/s.468(2)(c) Cr.P.C. Therefore, learned counsel sought for quashing of the First Information Report.

4. Learned Additional Public Prosecutor submitted that investigation has been completed and draft final report is also ready to be filed before the learned Judicial Magistrate II, Thirupattur.



5. Learned counsel for petitioner submitted that after the incident, M.C.O.P.No.163 of 2018 was initiated by the dependents of the deceased before the Motor Accident Claims Tribunal, Thirupattur. The compensation that was fixed by the Lok Adalat through proceedings dated 26.06.2002 was also paid to the dependents to the tune of Rs.15,00,000/-.

6. Taking into consideration the facts and circumstances of the case, it is left open to the respondent police to file the final report before the concerned Court. The concerned Court shall take a decision as to whether the final report is going to be closed u/s.468(2)(c) Cr.P.C. or the Court is going to use its discretion u/s.473 Cr.P.C. Except giving this clarity, no further orders can be passed in this petition.

7. The respondent police shall file the final report within a period of four (4) weeks before the concerned Court and the concerned Court shall take a decision within a period of four (4) weeks thereafter.



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N.ANAND VENKATESH, J.

gm

This Criminal Original Petition is disposed of with the above direction.

02.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
T-9, Maraimalai Nagar Police Station,
Tambaram District.

2. The Public Prosecutor,
High Court, Madras.

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