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Crl.O.P.No.295 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.1.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.295 of 2024

R.Ravichandran

...Petitioner/Accused

Vs.

1. State by Inspector of Police,
Town Police Station, Karaikal.

..1st respondent /complainant

2. A.Joseph

...2nd respondent /Defacto complainant

Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the records in connection with Crime No.35 of 2023 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.K.Suresh Babu

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.35 of 2023, pending investigation before the 1st



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respondent police.

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2. The learned Additional Public Prosecutor appearing on behalf of the 1st respondent submitted that the investigation has been completed and final report has been filed before the learned Judicial Magistrate No.1, Karaikal on 05.07.2023. The copy of the final report was also placed before this Court and the petitioner has been added as A3 in this final report. The learned counsel further submitted that the Court below is yet to take the final report on file.

3. The learned counsel for the petitioner submitted that the FIR was registered for offence under Section 3(2) (a) of the Prevention of Damage to Public Property Act, 1984 (hereinafter called as the Act). The learned counsel submitted that even if the allegations made in the FIR are taken as it is, no offence is made out and the continuation of the petitioner as an accused in this case, is an abuse of process of law, which requires the interference of this Court. The learned counsel submitted that even though the final report has been filed, it does not in any way prevent this Court



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from looking into the allegation and interfering with the proceedings.

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4. The crux of the issue that has been raised before this Court is that the petitioner is admittedly not the driver of vehicle and that even if the allegations are taken as it is, no offence has been made under Section 3(2) (a) of the Act. The Court below is yet to take the final report on file. In view of the same, it is always left open to the Court below to apply its mind based on the materials that have been collected by the respondent police and see if the offence under Section 3(2) (a) of the Act has been made out against the petitioner. Taking cognizance of a final report is a judicial act which requires the application of mind. Hence, this exercise shall be done by the Court below before acting upon the final report. This clarity will sufficiently take care of the grievance expressed by the petitioner.

5. This writ petition is disposed of in the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

08.01.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No



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To

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1. State by Inspector of Police,
Town Police Station, Karaikal.

2. The Public Prosecutor,
High Court, Madras.

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