



CrI.O.P.(MD) No.2250 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.2250 of 2024

and

CRL.M.P.(MD)No.1710 of 2024

Dheena @ Dheenathayalan

...Petitioner

VS

1.State through the represented by
The Inspector of Police,
Petaivaithalai, Trichy District.

2.Prabakaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the entire records connected with Cr.No.43 of 2019 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner

:Mr.C.Ezhilarasu

For R1

:Mr.M.Veeranthiran

Government Advocate (crl.side)



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ORDER

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The Criminal Original Petition had been filed seeking to quash the FIR in Cr.No.43 of 2019 on the file of the first Respondent.

2.It is the contention of the learned Counsel for the Petitioner that the Petitioner had been arraigned as sole accused in Cr.No.43 of 2019 for offence under Section 294(b) of IPC. It is the contention of the learned Counsel for the Petitioner that the Petitioner is the member of a Trade Union belonging to a political party. When he was celebrating May day, with the political vengeance, the Police had registered a case in Cr.No.43 of 2019, based on the complaint of the Sub Inspector of Police. Even though FIR was registered on 01.05.2019, charge sheet had not been filed till date. The pendency of FIR causes inconvenience to the Petitioner, as he is unable to apply for any job or to seek passport to go outside India seeking job.

3.It is the contention of the learned Counsel for the Petitioner that the offence under Section 294(b) of IPC is only an offence punishable with fine, for which, the Investigation Officer should have completed the investigation



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within a reasonable time of six months under Section 468 of Cr.P.C. Here, the investigation had not been completed within the specified period. Therefore, he seeks to quash the FIR. Also, he submitted that the Complainant and the Investigation Officer are one and the same. Therefore, he seeks to quash the FIR.

4.The learned Government Advocate (CrI.side) objected to the line of arguments of the learned Counsel for the Petitioner and submitted that it is not a fit case for quash. The submission of the learned Counsel for the Petitioner has to be considered only as a valuable defence available before the trial Court and not at this stage for quashing the FIR.

5.Considering the submission of the learned Counsel for the Petitioner and the fact that only an offence under Section 294(b) of IPC had been invoked. FIR is of the year 2019. Till date, charge sheet had not been filed. Even if it is filed after six months, it is not maintainable and charge sheet need not be entertained by the learned Judicial Magistrate concerned. Further, as pointed out by the learned Counsel for the Petitioner, the Complainant and the Investigation Officer are one and the same. Under



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those circumstances, the FIR in Cr.No.43 of 2019 is quashed.

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In the result, the ***Criminal Original Petition*** is allowed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

07.03.2024

cmr

To

The Inspector of Police,
Petaivaithalai, Trichy District.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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