



Crl.O.P.(MD) No.5167 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

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and

Crl.M.P.(MD) Nos.2968 & 2969 of 2021

1. Santhanam
2. Subramanian
3. Kengu
4. Srinivasan
5. Gandhirajan
6. Seethalakshmi
7. Uma @ Umamaheshwari
8. Jakkammal
9. Vellathai
10. Ayyammal

... Petitioners

Vs.

1. The State respresented through,
Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.83 of 2012)



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2. M.Rajamayandi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the final report in S.C.No.174 of 2020 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli District and quash the same.

For Petitioners : Mr.Aayiram K.Selvakumar

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed by the petitioners challenging the final report in S.C.No.174 of 2020 on the file of the Sessions Judge, Mahila Court, Tirunelveli District.

2. The case of the prosecution in a nut shell is as follows:

There was a civil dispute between one Shanmugavel and the present petitioners in respect of a house property situated at Door No.3 D, Elgai Vinayagar Temple Street, Ambasamudram which ended in favour of Shanmugavel. Subsequently, the second respondent/defacto complainant purchased the said house and is residing there. Aggrieved over the same,



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the petitioners armed with deadly weapons entered into the house of the second respondent/defacto complainant and damaged his household articles worth Rs.25,000/- (Rupees Twenty Five Thousand only) on 07.03.2012. Therefore, the second respondent lodged a complaint with the Inspector of Police, Ambasamudram Police Station which came to be registered as F.I.R in Crime No.83 of 2012. The first respondent after completion of investigation had laid a final report in P.R.C No.8 of 2019, before the learned Judicial Magistrate, Ambasamudram for the alleged offences punishable under Sections 147, 148, 452, 294B, 324, 5069(ii) I.P.C and Section 3 of Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, 1982 and Section 4 of Tamil Nadu Prohibition Harrasment of Women Act, 1998.. The learned Judicial Magistrate (Mahila Court) committed the case to the Court of sessions which was taken on file in S.C.No.174 of 2020 by the Principal District Judge, Tirunelveli. Subsequently, it was made on the Sessions Judge, Mahila Court, Tirunelveli.

3. Mr.Aayiram K.Selvakumar, learned counsel appearing for the petitioners would contend that though the occurrence took place on 07.03.2012, the final report was filed only in the year 2018. According to



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him, the petitioners had only wanted to compromise the issue with the erstwhile owner of the property and they had not committed any offence as alleged by the prosecution. He therefore, prayed for quashing the final report.

4. Per contra, M.Sakthi Kumar, Government Advocate (Crl.side) on instructions would submit that the police after conducting investigation had laid a final report before the learned Sessions Judge, Mahila Court, Tirunelveli. According to him, the eye witnesses account is very clear about the commission of the offences by the present petitioners and therefore, there is no good ground to quash the final report.

5. It is true that the alleged offence took place in the year 2012 and the final report was filed in the year 2018. It is well settled now that the mere delay in filing a final report cannot be a ground to quash the final report. Moreover, a cursory look of the 161(3) Cr.P.C Statements of the witnesses *prima facie* shows the commission of offences by the present petitioners and S.C.No.174 of 2020 stands posted for trial. In the facts and circumstances, the final report cannot be quashed on the grounds raised by the present petitioners.



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WEB COPY 6. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

29.01.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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To

1. The State represented through,
Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

jbr

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