



Crl.O.P.(MD)No.17433 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.17433 of 2024

and

Crl.M.P.(MD).No.11067 of 2024

Balamurugan

... Petitioner

VS.

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.345 of 2023)

2.Santhanam

.. Respondents

Prayer:- Petition filed under Section 482 of Cr.P.C., directing the first respondent to call for the records pertaining to the case in Crime No.345 of 2023 dated 28.11.2023 on the file of the Inspector of Police, Bazaar Police Station, Ramanathapuram District and quash the same,

For Petitioner

: Mr.K.Yasar Arafath

For R1

: Mr.P.Kottai Chamy.
Government Advocate (Crl.Side)



Crl.O.P.(MD)No.17433 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.345 of 2023, on the file of the first respondent Police and to quash the same.

2. The learned counsel appearing for the petitioner would submit that as far as the petitioner is concerned, the only averment made in the First Information Report is that he instigated the other accused and no other offence is made out against the petitioner. With reference to instigating the other accused, the Section is not mentioned in the First Information Report and hence, he seeks quashment of the FIR registered against him.

3. When the matter came up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the clear averments are made as against the petitioner is that he only instigated the other accused. Even though the specific Section under Section 109 I.P.C. was not included in the FIR, the investigation is completed and charge sheet is filed in E.Filing No. LTN 2000 2306C20



Crl.O.P.(MD)No.17433 of 2024

WEB COPY

2400 127CC before the learned Judicial Magistrate No.I, Ramanathapuram on 18.03.2024, which includes Section 109 I.P.C. also.

4. Even though it is stated that the final report is filed in the month of March, it is not yet taken on file. Therefore, the learned Judicial Magistrate No.I, Ramanathapuram, may expedite the process of taking the final report on file.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

18.10.2024

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

To

1.The Judicial Magistrate No.I,
Ramanathapuram District.

2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.17433 of 2024

D.BHARATHA CHAKRAVARTHY, J.

TSG

Crl.O.P.(MD)No.17433 of 2024

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