



Crl.O.P.(MD)No.22100 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.22100 of 2023
and Crl.M.P.(MD) No.17297 of 2023

1.Ramesh
2.Rajesh

... Petitioners

Vs.

1.The sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.343 of 2019

2.Kanagaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the impugned order dated 31.10.2023 passed in Crl.M.P.No.7528 of 2023 on the file of Judicial Magistrate No.1, Padmanabhapuram, pending disposal of the main criminal original petition.

For Petitioners : Mr.R.Murugan

For Respondents : Mr.A.Albert James
Government Advocate (Crl. Side)
for R1



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ORDER

This petition has been filed challenging the order passed by the Court below condoning the delay in filing the police report in exercise of its jurisdiction under Section 473 of Cr.P.C.

2.Heard the learned counsel for the petitioners and the learned Government Advocate appearing on behalf of the first respondent.

3.The FIR was registered for offences under Sections 294(b), 323 and 506(i) of IPC on 27.06.2019. On completion of investigation, there was a delay in filing the police report. The delay was attributed towards two reasons. The first reason is that there was a change in investigation officer and therefore, there was a delay in completing the investigation. The second reason that has been assigned is that there was an intervening pandemic period.



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4.The Court below has properly applied its mind and come to the conclusion that there are justifiable grounds to condone the delay.

While taking this decision, notice was issued to the petitioner and only after hearing the petitioners, the order was passed. The order does not suffer from any illegality warranting the interference of this Court.

5.If according to the petitioners, no offence has been made out in the final report, it is left open to the petitioners to independently challenge the same in the manner known to law. This order will not stand in the way of the petitioners.

6.In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

29.11.2024

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



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- 1.The sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

PKN

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