



CrI.O.P.(MD).No.23312 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD).No.23312 of 2023

and

CrI.M.P.(MD).No.18120 of 2023

Thirunavukkarasu

... Petitioner/Accused No.8

Vs.

1.The Inspector of Police,
S.P.Pattanam Police Station,
Ramanathapuram District.
(In Crime No.209/2020)

...1st Respondent/Complainant

2.P.Karthick,
Village Administrative Officer,
Office of the VAO,
Sirugambayure – Group,
Thiruvadanai Taluk,
Ramanathapuram District.

...2nd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to quash the FIR in Crime No.209 of 2020 dated 06.11.2020 on the file of the Inspector of Police.

For Petitioner : Mr.S.Chandrasekar

For R-1 : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition had been filed to quash the FIR in Crime No.209 of 2020 dated 06.11.2020 on the file of the Inspector of Police. The learned Counsel for the Petitioner submitted that the Petitioner had sought to remove his name from the list of the accused in Crime No.207 of 2020 dated 06.11.2020.

2. When the matter is taken up for hearing on 20.02.2024, this Court directed the Respondent Police to be present before this Court on 22.02.2024 to verify whether the investigation had been completed. Accordingly, today the Inspector of Police, S.P.Pattanam Police Station, Ramanathapuram is present before this Court along with the CD file. On perusing the CD file, it is found that the investigation had not proceeded from the stage, it was in the year 2020. The learned Counsel for the Petitioner submitted that the Petitioner had only sought to remove his name, as he was not found in the place of occurrence and at the time of occurrence. There was material evidence through video that he attended marriage function in the town locality which is far away from the place of occurrence. The said fact is recorded in the you tube regarding the marriage function attended by the Petitioner at that relevant point of time.



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3. The learned Government Advocate (Criminal Side) vehemently objected to the submission of the learned Counsel for the Petitioner seeking to quash the FIR under Section 468 Cr.P.C, as the Petitioner herein himself along with other accused filed Crl.O.P.(MD).No.14426 of 2020 and and this Court vide order dated 10.12.2020 granted an order of interim stay. Since interim stay was granted, the investigation could not be proceeded.

4. The submission of the learned Government Advocate (Criminal Side) cannot be accepted, in the light of the earlier order dated 12.04.2023 passed in Crl.O.P.(MD).No.14426 of 2020 which was dismissed as infructuous, stating investigation was over and charge sheet filed on 02.03.2021 before the learned Judicial Magistrate, Thiruvadanai. From the records, it is found that the investigation had not been completed and final report had not been laid before the learned Judicial Magistrate, Thiruvadanai as per the remarks of the learned Judicial Magistrate, Thiruvadanai in his letter D.No.37/2024 dated 06.01.2024.



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5. This Court is of the view that the final report ought to have been filed within six months or one year from registration of FIR. As per Section 468 of Cr.P.C, final report for offences attracting fine or imprisonment upto one year shall be filed within one year, since the same had not been filed till this day. Even if it is filed, it cannot be entertained. Therefore, by invoking Section 468 Cr.P.C, the FIR in Crime No.209 of 2020 on the file of the first Respondent is hereby quashed, insofar as the Petitioner is concerned.

6. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

22.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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- To
- 1.The Inspector of Police,
S.P.Pattanam Police Station,
Ramanathapuram District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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