



WEB COPY



Crl.O.P.No.959 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.959 of 2024

and

Crl.M.P.No.630 of 2024

S.Kannan

... Petitioner

Vs.

1. The State of Tamil Nadu Represented by,
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.

2. Ramasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records relating to the F.I.R in Crime No.343 of 2023 on
the file of the first respondent-Police and quash the same.

For Petitioner : Mr.AR.Karthik Lakshmanan

For R1 : Mr.S.Sugendran
Additional Public Prosecutor

For R2 : M/s.G.V.Seethalakshmi



Crl.O.P.No.959 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records relating to the F.I.R in Crime No.343 of 2023 on the file of the first respondent-Police and quash the same.

2. Based on the complaint lodged by the second respondent on 08.05.2023 before the Tamil Nadu Adi Dravidar and Tribal Welfare Commission, the first respondent registered an F.I.R on 30.10.2023 to the effect that the second respondent had borrowed a sum of Rs.1,77,000/- from the petitioner and since there was some delay in returning back the loan amount, the second respondent was abused with his caste name by the petitioner.

3. The learned counsel for the petitioner has filed this criminal original petition to quash the F.I.R in Crime No.343 of 2023 on the ground that the occurrence took place in the year 2016 itself, whereas the complaint has been given only on 30.10.2023 with long delay.

4. In support of his contentions, the learned counsel for the



CrI.O.P.No.959 of 2024

WEB COPY

petitioner placed reliance on the judgment of the Hon'ble Supreme Court reported 2023 Live LAW (SC) 613:2023 INSC 684 [Mahmood Ali and others Vs. State of U.P and others]

5. Per contra, the learned counsel for the second respondent submitted that complaint has been given on the date of occurrence ie., on 31.05.2016 itself. There is no delay in filing the complaint as alleged by the petitioner. Since the respondent-Police has not taken any effective steps to investigate the matter, the second respondent approached the SC/ST Commission for taking action. The said Commission had directed the first respondent to register the case.

6. It is submitted by the learned Additional Public Prosecutor appearing for the respondent-Police that since stay was granted by this Court vide order dated 22.01.2024, the respondent-police could not proceed the case further.

7. Heard the learned counsel appearing for the petitioner and the



CrI.O.P.No.959 of 2024

WEB COPY

second respondent and the learned Additional Public Prosecutor appearing for the first respondent-Police and perused the materials available on record.

8. The date of occurrence is 31.05.2016. The date of F.I.R is 30.10.2023. From the document annexed with the counter statement filed by the second respondent, it is seen that the second respondent has given complaint before the respondent-police on 31.05.2016 itself. Hence, there is no delay in filing the complaint. For one reason or the other, the respondent-Police has not registered the case immediately, for which, the de-facto complainant should not be suffered.

9. Further on a reading of F.I.R, it is seen that there are prima facie materials available as against the petitioner. Considering the serious nature of offence, this Court is not inclined to quash the F.I.R. The investigation only reveals the commission and other ingredients of offence. This Court does not find any merit in this criminal original petition. The citation referred by the learned counsel for the petitioner is



Crl.O.P.No.959 of 2024

not applicable to the present case on hand.

WEB COPY

10. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. Since the occurrence took place in the year 2016, the respondent-Police is directed to expedite the investigation and file a charge sheet within a period of three months from the date of receipt of a copy of this order.

29.01.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
2. The Public Prosecutor,
High Court, Chennai.



WEB COPY



Crl.O.P.No.959 of 2024

P.VELMURUGAN, J.

mfa

Crl.O.P.No.959 of 2024
and
Crl.M.P.No.630 of 2024

29.01.2025