



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 23.11.2016  
CORAM:

**THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**

WEB COPY

Crl.O.P.(MD) No.12097 of 2013  
and  
M.P.(MD) No.1 of 2013

Karunanithi ... Petitioner/Accused No.4

Vs.

1. State rep. by  
The Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli city  
(In Crime No.884 of 2010).

2.S.Ramasamy ... Respondents/Complainant and  
Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.884/2010 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.S.Sundara Pandian  
For 1st Respondent : Mr.K.Anbarasan,  
G.A.(Crl.Side)

O R D E R

This petition has been filed to quash the proceedings in Crime No. 884 of 2010.

2.The learned counsel for the petitioner would submit that a case has been registered against the petitioner for the offence punishable under Section 143 and 188 IPC. The maximum punishment for the said offences is to the extent of 6 months and fine of Rs.1,000/-.

3.It is further submitted that though the case was registered in the year 2010, but so far the respondent has not filed final report. As per the section 468 Cr.P.C., limitation for filing charge sheet is 6 months and therefore, the FIR is liable to be quashed.

<https://hcservices.ecourts.gov.in> The learned Government Advocate (Crl.side) fairly conceded that so far the 1<sup>st</sup> respondent has not filed final report in this case.



5. Section 468 of Cr.P.C. reads as follows:

" 468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be- (a) six months, if the offence is punishable with fine only (b) one year, if the offence is punishable with imprisonment for a term not exceeding one year; (c) three years, if the offence is punishable with imprisonment for term exceeding one year but not exceeding three years."

6. Reading of the section would show that if the offence is punishable with imprisonment for a term not exceeding one year, the final report has to be filed within a period of one year and cognizance ought to have been taken. Admittedly, this case was registered in the year 2010 and the offence attracts only maximum of 6 months. Therefore, the first information report is liable to be quashed on the ground of limitation.

7. Accordingly, the case in Crime No.884 of 2010 is quashed and the Criminal Original petition is allowed. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli city.

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

Nbj

RL/3C/2P/SV/24.1.2017

Cr1.O.P. (MD) No.12097 of 2013