

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2286 OF 2014

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/accused seeking to quash the proceedings in Crime No.834 of 2007 on the file of the Kukatpally Police Station, Cyberabad.

2. The petitioner is facing allegations for the offences punishable under Sections 356 and 379 I.P.C.

3. Heard and perused the material on record.

4. Learned counsel for the petitioner contended that the said offences are punishable with imprisonment of a period of two years for which the period prescribed for filing of the charge sheet is up to three years, but till date, no charge sheet has been filed by the police before the concerned Court and hence, any charge sheet filed subsequently after three years is barred by limitation. He also relied upon a judgment reported in **Sarah Mathew vs. Institute of Cardio Vascular Diseases by its Director Dr.K.M.Cherien and others**^[1].

5. As per the records, it is evident that the crime was registered in the year 2007 and till date, no charge sheet has been filed by the police. As the offences alleged are punishable with imprisonment for a period of two years, according to Section 468 Cr.P.C., the period prescribed for filing of the charge sheet is up to three years and hence, the Court shall not take cognizance if the prescribed period is over. Therefore, this Court is of the view that filing of the charge sheet is barred by limitation and on that ground alone, the proceedings are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed quashing the proceedings in Crime No.834 of 2007 on the file of the Kukatpally Police Station, Cyberabad.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

25.02.2016
AMD

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[\[1\]](#) (2014) 2 Supreme Court Cases 62