

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8438 of 2017

Kaja Mohideen

... Petitioner

Vs

State of Tamil Nadu,
Rep by its, Inspector of Police,
K-1, Sembium Police Station,
Chennai City

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records relating to Cr.No.2107/2005 pending on the file of the Respondent and to quash the same.

For Petitioner : Mr.A.Sikkandar

ORDER

This Criminal Original Petition has been filed seeking to call for the entire records relating to Cr.No.2107/2005 pending on the file of the Respondent and quash the same.

2. For an occurrence that occurred on 23.08.2005, the respondent had registered a case in Crime No.2107 of 2005 on the same day. Though 12 years have lapsed from the date of registering the complaint, the respondent is yet to file a final report/charge sheet. The delay in filing the final report/charge

sheet is inordinate and in view of that the petitioner has been deprived of speedy and fair investigation.

3. Since the respondent has not filed the final report/charge sheet for the past 12 years, the petitioner is entitled to succeed in the present petition. It is pertinent to point out that under Section 468 of the Criminal Procedure Code, no Court shall take cognizance after lapse of the period of limitation for the punishment prescribed. In the present case, the period of limitation for the punishment prescribed for Section 285 IPC is only six months. It is also seen that the respondent police have not properly instructed the learned Additional Public Prosecutor, in order to report about the action taken on the petitioner's complaint, till date.

4. In view of all the foregoing reasons, the petitioner is entitled to succeed. Hence, the Criminal Original Petition stands allowed and the proceedings in Cr.No.2107/2005 pending on the file of the respondent police hereby stands quashed.

05.10.2017

Index:Yes

nl/kkd

To

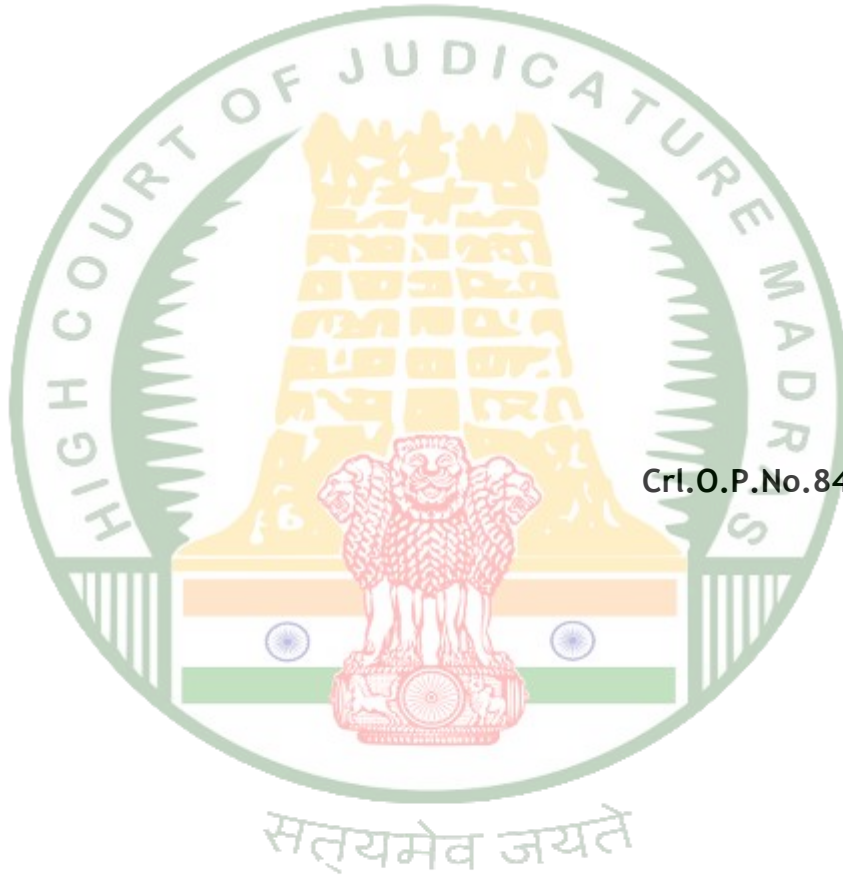
- 1.The Inspector of Police,
K-1, Sembium Police Station,
Chennai City
- 2.The Additional Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,

nl/kkd



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