



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.11.2017
CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

Cr1.O.P.(MD) No. 15684 of 2017
and
Cr1.M.P.(MD) No.10419 of 2017

A.Ashik

...Petitioner

-Vs-

1. The Sub-Inspector of Police,
C-2, Subramaniapuram Police Station,
Madurai City.
(Crime No.332 of 2012)

2.K.Prabakaran

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in pertaining to case in Cr.No.332 of 2012, pending investigation on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Solaisamy
For R1 : Mr.A.Ramar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the case in Cr.No.332 of 2012, pending investigation on the file of first respondent and to quash the same.

2.The petitioner is the sole accused in the complaint. A case was registered for the offence punishable under Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998. It is to be noted that the complaint is about receipt of obscene messages by two women coordinator of a trust which is offering free Educational training to students. It is also reported that there was a fake call from one of the students threatening to spoil one of the women coordinators, based on the information, a case was registered as against the petitioner.

3.As a matter of fact, the investigation further reveals the involvement of others. It is submitted that no member would be involved in the offence as against the coordinators working in trust offering free education. The complaint clearly disclose a



cognizable offence and it is a case for further investigation. The petitioner mainly raised two legal issues. First issue is regarding the limitation. According to the petitioner, the case was registered in the year 2012 and that the charge sheet is not yet filed and therefore, since punishment for the offence is only three years and the charge sheet has not been filed within the period of three years, the complaint itself is liable to be quashed. This argument cannot be countenanced by this Court. It is open to the Judicial Magistrate concerned to extend the time for reasons to be recorded in writing. Hence, it has also become a factual issue. It is only when the Court refuses to condone the delay, the petitioner may have a chance in succeeding on the ground of limitation.

4.The other ground is that the FIR refers to other members and that the prosecution has failed to trace the other members from whom the offending obscene messages emanated. This cannot be a ground which can be raised by one of the accused. It is also stated that the petitioner is a student and that the registration of the case against him would affect his career.

5.The learned counsel for the petitioner has not raised any other legal ground for quashing the FIR and hence, this Criminal Original Petition is dismissed. However, having regard to the grievance expressed by the learned counsel for the petitioner, the first respondent is directed to file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
C-2, Subramaniapuram Police Station,
Madurai City.

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

+ 1 cc TO Mr.M.Solaisamy , Advocate in SR No. 88415

Mm

AE/SKN RSK/SAR1/15.12.2017/2P/4C

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