

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P.No.10765 of 2018

A.Banumathi

.... Petitioner/Defacto Complainant

vs.

State represented by
Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District.
Cr.No.700 of 2014

...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to set aside order passed in Cr.No.700 of 2014 dated 04.01.2018 by the learned Judicial Magistrate No.I, Virudhachalam and consequently direct the respondent police to file final report in the above crime case within stipulated time period as may be fixed by this Court.

For petitioner : Mr.T.Sundaravadanam

For respondent : Mr.C.Raghavan,
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed to set aside the order passed in Crime No.700 of 2014 dated 04.01.2018 by the learned Judicial Magistrate No.I, Virudhachalam and consequently direct the respondent police to file final report within the stipulated time period.

2. On the complaint lodged by the petitioner, the respondent police has registered a case in Crime No.700 of 2014 for the offences under Sections 341, 427, 294(b) and 506(i) IPC.

3. The learned Judicial Magistrate No.I, Virudhachalam has closed the case as barred by limitation under Sections 468 (1) (a) (b) (c) of Cr.P.C. on 04.01.2018. Challenging which, the defacto complainant is before this Court.

4. Heard, Mr.T.Sundaravadanam, the learned counsel for the petitioner, who submitted that the trial Court ought not to have closed the FIR for the failure of the Police to file the charge sheet.

5. In the opinion of this Court, the Magistrate is not duty bound to keep the FIR open for an indefinite period, especially, when cognizance of offence will become time barred. It is always open to the defacto complainant to work out his remedy in the manner known to law.

With the above observation, this petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

lok /mps

To

1.The Judicial Magistrate No.I,
Virudhachalam

2.The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Sundaravadanam, Advocate sr.no.25403

सत्यमेव जयते

Cr1.O.P.No.10765 of 2018

nr 25/04/2018

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