

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.5403 of 2013

N.Vasanthi

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
P-5, M.K.B. Nagar Police Station,
Chennai. (Cr.No.677/2010)

2. A.K.Jayaraman ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to C.C.No.3835 of 2012 on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, and quash the same.

For Petitioner : Mr.K.Thilagaraj

For Respondents : Mr.R.Surya Prakash
Govt. Advocate (Crl.Side)

ORDER

The petitioner is shown as accused in Crime No.677 of 2010, which was registered based on the complaint given by the second respondent for the offence punishable under Section 341 and 294 (b) of IPC and after investigation laid a charge sheet, which was taken on file in C.C.No.3835 of 2012 by the learned X Metropolitan Magistrate, Egmore, Chennai.

2 According to learned counsel appearing for the petitioner, the date of occurrence was on 09.08.2010 and the case was registered only on 12.09.2010. The respondent police has filed charge sheet on 14.08.2012 and the learned Magistrate has taken cognizance on the same only after August 2012. Therefore the very charge sheet itself is bared by limitation. Further, even punishment for the offence under Section 341 IPC is imprisonment for only one month or fine upto Rs.500/- and punishment for the offence under Section 294(b) is only imprisonment for three months or fine or both. It is to be noted

that the respondent police has filed charge sheet after the lapse two years, which is inordinate and hence the case in C.C.No.3835 of 2012 on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, has to be quashed.

3 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the respondent police after completing investigation in a fair and impartial manner, has filed charge sheet before the Magistrate and the same is pending for trial, since this Court has granted interim stay on 04.07.2013. Therefore the present petition is liable to be quashed.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that the first respondent police has registered the present case against the petitioner for the offence punishable under Sections 341 and 294(b) in Crime No.677 of 2010 on 12.09.2010 based on the complaint given by the second respondent for the occurrence alleged to have taken place on 09.08.2010. After investigation, the respondent police has filed charge sheet on 14.08.2012. As per Section 468 of Cr.P.C., charge sheet has to be filed within six months from the date of complaint for the offence punishable with fine and one year for the offence punishable with imprisonment not exceeding one year. In this Case punishment for the offence under Section 341 is imprisonment for one month or fine upto Rs.500/- and punishment for the offence under Seciton 294(b) is imprisonment for three months or fine or both. Therefore it is clear the very charge sheet itself is barred by limitation. The Court cannot take cognizance on the charge sheet filed after the lapse of period of limitation. Therefore this Court is inclined to quash the case as prayed for by the petitioner.

6 In the result the criminal original petition is allowed and the case in C.C.No.3835 of 2012 on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, is hereby quashed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

cgi

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. Do Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.
3. The Inspector of Police, P-5,
M.K.B. Nagar Police Station, Chennai.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Thilagaraj, Advocate, S.R.No. 82001

Crl.O.P.No.5403 of 2013

KK(CO)
GN(31/10/2019)



WEB COPY