

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.20384 of 2019

G.Elizabeth

...Petitioner

.Vs.

1.The State Rep.by  
Sub Inspector of Police,  
E-2, Royapettah Police Station,  
Chennai-600 014.

2.Church of South India,  
Diocese of Madras,  
Rep.by the Bishop Devasagayam,  
226, Cathedral Road,  
Chennai 600 086.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.1388 of 2015 dated 21.04.2015 pending on the file of the 1<sup>st</sup> respondent herein.

For Petitioner : Mr.Srinath Sridevan

For 1<sup>st</sup> Respondent: Mr. M.Mohamed Riyaz  
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.1388 of 2015, which has been registered for an offence under Section 379 of IPC.

2.The learned counsel for the petitioner submitted that the registration of the FIR itself is an abuse of process of law and it was done on a false complaint given by the de facto complainant as a counter blast for a writ petition filed by the petitioner, challenging her transfer and which was stayed by

this Court in Crl.MP.No.1 of 2014 in W.P.No.16923 of 2014, by an order dated 27.06.2014. The learned counsel further submitted that a reading of the entire FIR, does not make out an offence of theft.

3.The learned Additional Public Prosecutor on instructions submitted that the investigation is still pending and no final report has been filed till date by the respondent Police.

4.The case of the prosecution is that the petitioner was transferred from Jessie Moses Matriculation School, Anna Nagar, on administrative grounds, and later it was found that she had taken away many original documents pertaining to the property belonging to the diocese.

5.The respondent Police have not recovered any documents from the petitioner and there has been absolutely no progress in the investigation which is pending from the year 2015 onwards.

6.The offence under Section 379 of IPC, is punishable for a maximum period of three years. Even if a final report is filed by the respondent Police today, the same will be barred by limitation under Section 468(2)(c), wherein, the period of limitation is three years and beyond that period, the Court cannot take cognizance, after the lapse of the period of limitation.

7.In view of the above, no useful purpose will be served by keeping the FIR pending since it is more than five years, the FIR was registered.

In the result, the FIR in Crime No.1388 of 2014, on the file of the 1<sup>st</sup> respondent, is hereby quashed and this Criminal Original Petition is allowed.

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Assistant Registrar(CS VIII)  
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Sub Assistant Registrar

KP

To

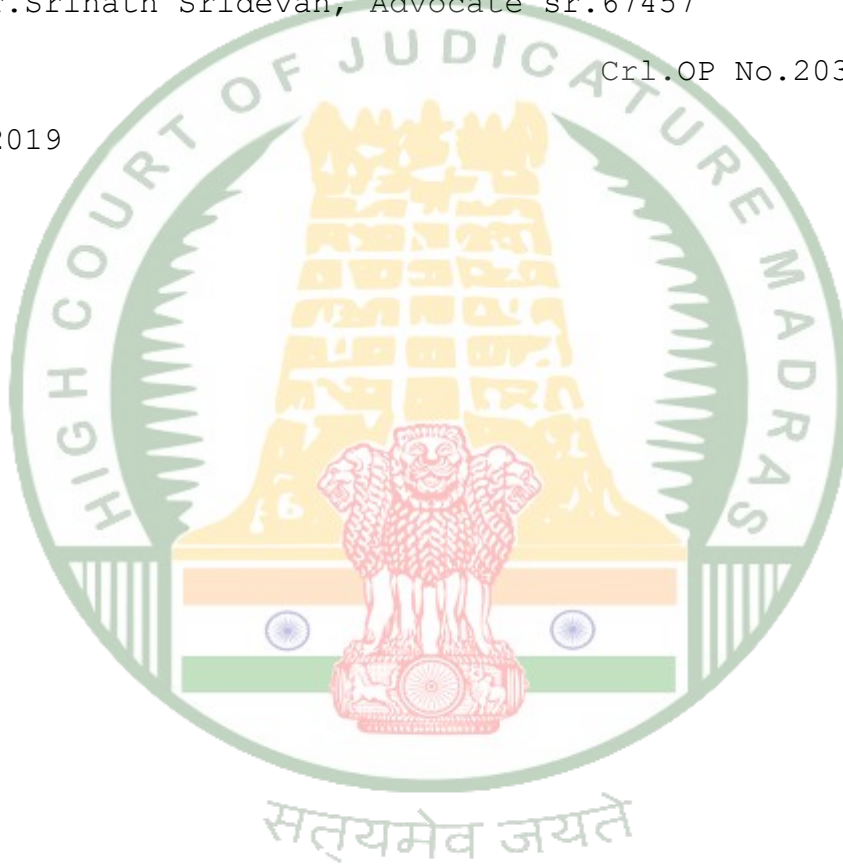
1. Sub Inspector of Police,  
E-2, Royapettah Police Station,  
Chennai-600 014.

2.The Public Prosecutor,  
High Court of Madras,  
Madras.

+lcc to Mr.Srinath Sridevan, Advocate sr.67457

Crl.OP No.20384 of 2019

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