

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CrI.O.P.No.26302 of 2019

1. V.Narmatha

2. R.Ganesan ...Petitioners/Accused 1 & 2

Vs

1. The State rep. by
The Inspector of Police,
S-7, Madipakkam Police Station.

2. Mohmad Sarjeeden @ Mohammed Sirajudeen
...Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned First Information Report preferred by the 2nd respondent on 20.05.2016 and came to be registered on 30.07.2016 in Crime No.1774 of 2016 on the file of the 1st respondent herein and quash the same.

For Petitioners : A.Thameem Mohideen

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

सतयमेव जयते
O R D E R

By consent of both the learned counsel for the petitioners as well as the learned Additional Public Prosecutor appearing for the 1st respondent, this Criminal Original Petition is taken up for final disposal.

2. The complaint against the petitioners has been registered for the offences under Sections 294 (b) and 506(i) of I.P.C on 30.07.2016 in FIR.No.1774 of 2016. Though more than three years have lapsed, the investigation is said to be still

pending. Under Section 468 of Cr.P.C, a limitation of two years has been prescribed for the offences for which the petitioners have been charged for, in view of the maximum punishment provided for these two punishments. While that being so, the pendency of the investigation for the past three years itself is against Section 468 of Cr.P.C.

3. Apart from the ground of limitation, it is also seen that the averments in the complaint does not reflect the obscene words, which is alleged to have been made by the petitioners, so as to cause annoyance to others and as such, the offence under Section 294(b) is not made out. Likewise, the threat does not seem to be a real threat, which had intimidated the complainant. In view of this, the alleged commission of offence under Section 506(i) is also doubtful.

4. For all the foregoing reasons, the investigation in FIR.No.1774 of 2016 on the file of the 1st respondent herein is quashed. Accordingly, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

+2cc to A.Thameem Mohideen, Advocate SR.98186/19

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SR(CO)
CB(02/01/2020)