

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.28321 of 2019

Sandeep

.. Petitioner

Vs.

1. The Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.

2. S.Senthil Velan

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for entire records pursuant to the First Information Report in Crime No.305 of 2013, on the file of the 1st respondent dated 01.04.2013, quash the same in so far as the petitioners are concerned.

For Petitioner : Mr.B.Leninbalu

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

O R D E R

The prayer sought for in the present petition is to call for the entire records pursuant to the First Information Report in Crime No.305 of 2013, on the file of the 1st respondent dated 01.04.2013 and to quash the same.

2. The petitioner herein is the 4th accused. It is brought to the notice of this Court that when the 1st accused had filed a petition in Crl.O.P.No.26713 of 2017 seeking to quash the FIR in Crime No.305 of 2013, this Court, by an order dated 16.04.2019, had quashed the FIR, on the ground that the punishment for which the petitioner has been implicated is two years and in view of Section 468 Cr.P.C, there is a bar taking cognizance after lapse of the period of limitation. The said principle applies to the case of the petitioner herein also.

3. Since the FIR in Crime No.305 of 2013 has already been quashed by this Court in its order dated 16.04.2019 passed in Crl.O.P.No.26713 of 2017, there cannot be any apprehension for the petitioner for any criminal action based on the impugned FIR. As such, no effective orders can be passed in the present petition.

4. Accordingly, the Criminal Original Petition stands closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1. The Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Leninbalu, Advocate, S.R.No.89117

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CS/26/11/2019