



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2019

WEB COPY

CORAM :

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**

Crl.O.P.(MD)No.1113 of 2019

A.Muthu ... Petitioner/Accused No.7  
/Vs./

1.State by  
The Sub-Inspector of Police,  
Uppiliyapuram Police Station,  
Trichy District.  
[Crime No.82 of 2010] ...Respondent 1

2.Subramani ... Respondent 2/Defacto  
Complainant

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.82 of 2010 dated 08.04.2010 pending on the file of the first respondent and quash the same as against the petitioner.

For Petitioner : Mr.G.Rajan  
For R-1 : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Crl. Side)  
For R-2 : Mr.A.Ganesan

### **ORDER**

The present petition is filed to quash the FIR in Crime No.82 of 2010 for the offences under Sections 147, 148, 294(b), 324, 323, 427 and 506(ii) IPC.

2. The learned counsel appearing for the petitioner submitted that the date of occurrence was alleged to be on 09.04.2010, that FIR was registered immediately and the case has not yet been charge sheeted. He further submitted that the maximum punishment awardable to these major offences is below three years and hence there will be a bar of limitation under Section 468 Cr.P.C.

3. The learned Government Advocate (Crl. Side) submitted that the bar of limitation provided in 468 Cr.P.C., is condonable under Section 473 Cr.P.C. He also submitted that the Investigating Agency is finalising the final report.



4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. Side).

5. It is now obvious that the final report may not be entertained, unless the Investigating Agency is able to explain to the satisfaction of the Court the reason for undue delay in filing the final report. The learned Magistrate is therefore directed to put the petitioner on notice, hear him on the same and thereafter, he shall take a decision as to whether the delay must be condoned or not, as and when the prosecution comes down with the final report. The Investigating Agency is also directed to intimate the date on which they are laying final report to the petitioner. Accordingly, this petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub-Inspector of Police,  
Uppiliyapuram Police Station,  
Trichy District.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.RAJAN, Advocate ( SR-51428[F] dated 04/03/2019 )

+1 CC to M/s.A.GANESAN, Advocate ( SR-51423[F] dated 04/03/2019 )

SM

Order made in  
Crl.O.P. (MD) No.1113 of 2019  
28.02.2019

\_KM/ (25.03.2019) 2P 5C