

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.03.2019****CORAM:****THE HONOURABLE MR.JUSTICE N.SESHASAYEE****Cr1.O.P.[MD]No.3260 of 2019****and****Cr1.M.P.(MD)No.1830 of 2019**

1.C.Ganesan
2.C.Arumugam
3.Vairamani
4.Senthilnathan

: Petitioners

Vs.

1.The Inspector of Police,
Austinpatty Police Station,
Thirumangalam,
Madurai District.
Crime No.657 of 2013.

2.Sundhan

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the Crime No.657 of 2013 on the file of the first respondent police and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.J.Senthil Kumaraiah

For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate(Cr1.side)**ORDER**

The Criminal Original Petition has been filed to quash the First Information Report in Cr.No.657 of 2013 pending investigation for the last six years by the first respondent.

2.The learned counsel appearing for the petitioners primarily contended that in the First Information Report, the petitioners herein are said to have committed offence under Sections 294(b), 341, 323, 324 & 506(ii) IPC. He further submitted that under Section 468 Cr.P.C., there is a bar that no Court shall take cognizance, after expiry of the period of limitation. He also submitted that as far as 506(ii) IPC is concerned, there is no special provisions against the petitioners.



3.The learned Government Advocate(Crl.side) appearing for the respondent police would submit in the tone of regret that even though the final report has not been filed for the last six years, it will be done shortly.

WEB COPY

4.Since Section 473 Cr.P.C., provides an opportunity to the investigation agency to have any delay in filing charge sheet after the period of limitation is condoned, this Court cannot interfere in the issue now. However, the learned Magistrate is directed to hear the petitioners, as and when final report is filed along with condone delay application under Section 473 Cr.P.C. The Investigating Agency is directed to put the petitioners on notice about the date, on which they laid final report before the trial Court. With the above directions, the prayer in this petition is modified and accordingly, this petition is disposed of. The petitioners are entitled to oppose the condone delay application. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Austinpatty Police Station,
Thirumangalam,
Madurai District.

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

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate in SR-52045

Crl.O.P.[MD]No.3260 of 2019
06.03.2019

gns

PK/23.04.2019 : 2P/4C