



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.991 of 2015

and

MP(MD)Nos.1 and 2 of 2015

Raghu

... Petitioner/Accused

Vs.

1.State, rep.by

The Sub Inspector of Police,
Ramanathapuram Town Police,
Ramanathapuram.
(Crime No.199 of 2012)

... 1st Respondent/Complainant

2.Manickavel

... Respondent/ Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned charge sheet laid in S.T.C No.457 of 2014 pending on the file of the learned Judicial Magistrate No.1, Ramanathapuram, quash the same.

For Petitioner : Mr.P.T.Ramesh Raja

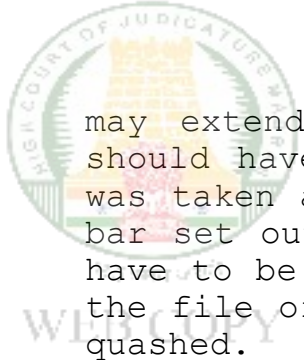
For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

No representation for R2

ORDER

The petitioner is facing trial in STC No.457 of 2014 on the file of the Judicial Magistrate No.1, Ramanathapuram. The defacto complainant is the father in law of the petitioner. The petitioner is said to have attacked his wife on 24.05.2012. The petitioner's father in law lodged information with Ramanathapuram Town Police Station leading to registration of Crime No.199 of 2012. After investigation, final report was filed on 24.06.2014 for the offences under Sections 294(b) and 323 IPC. Cognizance of the offences was taken on 09.10.2014.

2.As rightly pointed out by the learned counsel appearing for the petitioner, Section 468 of Cr.PC will have a bar for taking cognisance. The offence of 294(b) is punishable upto three months. Section 323 of IPC is punishable with imprisonment for a term which



may extend to one year. Therefore, cognizance of the offence should have been taken within one year. In this case, cognizance was taken after a period of 2 ½ years. Therefore, in view of the bar set out in Section 468 of Cr.PC, the impugned prosecution will have to be quashed. Accordingly, S.T.C No.457 of 2014 pending on the file of the learned Judicial Magistrate No.1, Ramanathapuram is quashed.

3.This criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate No.1, Ramanathapuram.

2.The The Sub Inspector of Police,
Ramanathapuram Town Police,
Ramanathapuram.

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

+1CC TO MR.P.T.RAMESH RAJA, Advocate Sr. No. 88028

Cr1 OP(MD)No.991 of 2015

and

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19.09.2019

SCR(CO)

TR(09.10.2019) 2P 5C