



beyond the period of limitation under Section 468 of Cr.P.C. The learned Magistrate could not have taken cognizance of the complaint since the charge sheet was filed beyond the period of limitation, which highlights the Code of Criminal Procedure of Section 468 and the same has to be quashed.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the wound certificate obtained only on 27.02.2013. In the injured cases, to substantiate the injuries, the prosecution has to obtain the wound certificate to ascertain the section of offence and therefore, they tried their level best to obtain the would certificate. The Doctor was examined on 26.06.2009, whereas, the wound certificate given only on 27.02.2013. Therefore, the charge sheet was filed within the period of limitation. However, whether the charge sheet filed within the period of limitation or not is a matter for trial and that may not be the ground to quash the complaint.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent and also perused the entire materials available on record.

5. It is seen from the records that the FIR was registered on 26.06.2009 in Crime No.269 of 2009. After investigation, charge sheet was filed only on 28.02.2013. The injured witness, the eye-witnesses and all the other witness have been examined on the same day i.e., on 26.06.2009. The statements recorded from the witnesses under Section 161 Cr.P.C have not been sent to the Court immediately and the same were sent along with FIR i.e., 28.02.2013. The charge sheet is filed beyond the period of limitation as per Section 468 of Cr.P.C. The charge sheet ought to have been filed within three years from the date of registration of the FIR.

6. On a perusal of the entire records, it is seen that the investigation was completed on 26.06.2009 itself except the fact shown that the wound certificate was appears to be obtained only on 26.07.2013. For the purpose of saving limitation, the prosecution has obtained the wound certificate on 27.02.2013 that itself will not give the limitation for filing the charge sheet. Therefore, the contention raised by the learned Government Advocate is not acceptable. Since the charge sheet filed beyond the limitation period, the learned Magistrate failed to consider the aspect and taken cognizance of the charge sheet on file, which warrants interference of this Court and the same is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed. The charge sheet in C.C.No.44 of 2013 pending on the file of the learned Judicial Magistrate, Poonamallee, is hereby quashed as against the petitioner. Consequently, connected miscellaneous petition is also closed.



8. It is shock and surprise to note that the complaint was given on 26.06.2009 and the case was registered in Crime No.269 of 2009 on the same day itself. On reading of all the statements under Section 161 Cr.P.C recorded by the Investigating Officer, it is seen that all the witnesses have been examined and the statements recorded under Section 161 Cr.P.C have not been sent to the Court either immediately or within the reasonable time nor the charge sheet filed within the period of limitation. Therefore, the Commissioner of Police, George Town, Chennai is directed to take action against those who were working as Station House Officer/Investigating Officer in T5, Thiruverkadu Police Station from the date of registration of the complaint till the filing of charge sheet and send the action taken report to this Court on or before 21.02.2020.

Post the matter on 24.02.2020 "for Reporting Compliance".

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

KMI

To

1. The Judicial Magistrate-II,
Poonamallee.
2. The Chief Judicial Magistrate,
Thiruvallur.
3. The Sub-Inspector of Police,
Law and Order,
T-5, Thiruverkadu Police Station,
Thiruverkadu, Chennai.
4. The Commissioner of Police,
E.V.K.Sampath Salai, Vepery,
Chennai-7.
5. The Public Prosecutor,
High Court, Madras-104.



Copy To

The Section Officer,
Criminal Section,
High Court, Madras -104.

+2cc to Mr.V.Manoharan, Advocate SR.No.506093

Cr1.OP No.16814 of 2013

PPA (CO)
GMY (23/01/2020)