

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.OP.No.34034 of 2019

A.Michael

... Petitioner

VS

1.State Rep. by

... Respondents

The Sub-Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai - 600 118.
Crime No.1291 of 2017

2. Jaya Prakash

The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.1291 of 2017 dated 01.06.2017 on the file of the respondent police and quash the same.

For Petitioner : Mr.K.Kannan

For 1st Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For 2nd Respondent : Not ready in Notice

ORDER

The present Criminal Original Petition has been filed praying to quash the F.I.R. registered in Crime No.1291 of 2017 dated 01.06.2017 on the file of the first respondent police.

2. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the first respondent police.

3. The specific contention raised by the learned counsel for the petitioner is that since the F.I.R. has been registered for the offences under Sections 294 (b) and 353 of I.P.C. alone, under Section 468 of Cr.P.C., the respondent police has to file a final report within a period of three years from the date of F.I.R. But, here is the case, the respondent police has not filed any final report till date and therefore, the F.I.R. registered in Crime No.1291 of 2017 has to be quashed.

4. In this regard, the learned Additional Public Prosecutor appearing for the first respondent police fairly conceded that no final report has been filed by the first respondent police till date for the petition mentioned F.I.R.

5. Now on considering the rival submissions made by the learned counsel appearing on either side, it seems that punishment for the offence under Section 294 (b) of I.P.C is only six months. Further, punishment for the offence under Section 353 of I.P.C. is two years. Therefore, there is an obligation on the part of the first respondent to complete the investigation and file a final report within a period of three years from the date of registering the F.I.R., But, the submissions made by the learned counsel appearing for the respondent police reveal the fact that no final report has been filed so far. Therefore, under Section 468 of Cr.P.C., no cognizance has been taken for the above-referred offence after lapse of three years. Accordingly, for the above-mentioned reasons, the F.I.R. registered in Crime No.1291 of 2017 on the file of the first respondent police is closed and the Criminal Original Petition is allowed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai 600 118.

2.The Public Prosecutor,
High Court, Madras.

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UM (17.12.2020)

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