



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.13226 of 2020

and

CRL.MP (MD)No.6064 of 2020

Ravi @ Ponpandi

... Petitioner/Accused No.1
vs.

1)The Inspector of Police,
Thazhamuthunagar Police Station,
In Crime No.287/2018
Tuticorin District.

... 1st Respondent/Complainant

2)Chandramoorthi

... 2nd Respondent/Defacto Complainant

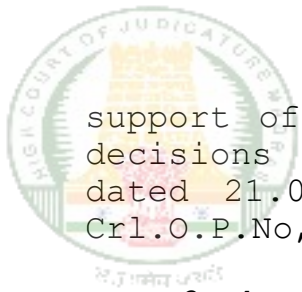
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.287/2018 on the file of the 1st respondent quash the same as against the petitioner is concerned.

For Petitioner	: Mr.C.Susikumar
For R1	: Ms.Veronica Vincent
	Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the FIR in Crime No.287/2018 on the file of the 1st respondent quash the same as against the petitioner is concerned.

2.The learned counsel for the petitioner would state that the petitioner was caught hold by the police and 13 quarter bottles were seized from him and on the confession of the petitioner and other accused that they have purchased the quarter bottles from the TASMAL Shop for selling it in block market, the petitioner was charged in Crime No.287/2018 for the alleged offences under Section 4(1)(a) of the Tamilnadu Prohibition Act punishable upto 3 months imprisonment and therefore, the respondent/Police has to file final report within one year as there is a bar under Section 468(2)(b) Cr.P.C. to take cognizance against the petitioner beyond one year. He would further state that though the FIR was registered on 11.08.2018, charge sheet is not yet filed and therefore, it is barred by limitation under Section 468 Cr.P.C. Therefore, the petitioner filed a discharge petition under Section 468(2) Cr.P.C before the Judicial Magistrate No.II, Tuticorin, but the same was returned with an endorsement that no FIR is pending before the court. Hence, this petition. In



support of his contentions, the learned counsel would rely on the decisions in Venkatnarayanan vs, State, Crl.OP.No.13065 of 2015, dated 21.08.2018 and D.Senthilkumar vs. The Inspector of Police Crl.O.P.No,4307 of 2017 dated 25.06.2017.

3.The learned Additional Public Prosecutor would fairly state that 13 quarter bottles were seized from the petitioner and the petitioner was charged for the offences under Section 4(1)(a) of the Tamilnadu Prohibition Act in Crime No.287/2018 on 11.08.2018 and charge sheet has not been filed till date.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to be passed, notice to the 2nd respondent is not necessary.

5.As per Section 468 Cr.P.C., no court shall take cognizance of an offence specified in sub-section (2), after the expiry of the period of limitation. As per sub-section (2), the period of limitation shall be one year if the offence is punishable with imprisonment for a term not exceeding one year. In the present case, the punishment for the offence complained of is imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees. Admittedly, in the present case, charge sheet is not filed till date. Therefore, it is clearly barred by limitation.

6.Accordingly, the FIR in Crime No.287/2018 on the file of the 1st respondent is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

1)The Inspector of Police,
Thazhamuthunagar Police Station,
Tuticorin District.

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

ORDER MADE IN
Crl.O.P.(MD)No.13226 of 2020
DATED : 27.11.2020

bk (CO)
TR(07.12.2020) 3P 3C