



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2020

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

Crl.O.P.(MD)No.13636 of 2020

and

CRL.MP (MD)No.6277 of 2020

WEB COPY

- 1.R.Selvam
  - 2.M.Mariyappan
  - 3.C.Vidhuthalai Sekar @ Perumal
  - 4.P.Dalit Raja @ Raja
  - 5.C.Arumugam
  - 6.S.Ramar
  - 7.V.Vadivel
  - 8.B.Senthilkumar
  - 9.P.Vellaichamy
  - 10.S.Ramesh
- : Petitioners/Accused No.1 to 9 and 11

vs.

1. The State represented by  
The Inspector of Police,  
C.Thideernagar Police Station (L&O),  
Madurai City.  
Crime No.817 of 2015.

2. M.Kannan,  
Inspector of Police,  
C.Thideernagar Police Station (L&O),  
Madurai City.

: Respondents

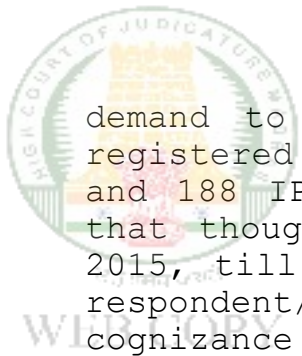
**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.817 of 2015, dated 10.11.2015 on the file of the first respondent for alleged offences under Sections 143 and 188 of I.P.C.

For Petitioner : Mr.T.Thirumurugan  
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.817/2015 on the file of the 1<sup>st</sup> respondent quash the same as against the petitioners.

2.The allegation against the petitioner is that on 10.11.2015, the petitioners and others were gathered and conducted demonstration near Periyar Bus Stand, Madurai, and issued pamphlets which contain



demand to abolish caste system and in this regard, an FIR was registered in Crime No.817/2015 for the offences under Sections 143 and 188 IPC. The learned counsel for the petitioner would state that though the offence is said to have taken place in the year 2015, till date, no charge sheet has been filed and therefore, the respondent/police is barred under Section 468(2)(b) IPC to take cognizance against the petitioner beyond one year. Thus, he would pray for quashing of the FIR.

3.The learned Government Advocate(Crl.Side) would fairly state that the petitioner issued pamphlets which demanded to abolish caste system and there was no untoward incident. She would also state that no charge sheet has been filed till date.

4.Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the 1<sup>st</sup> respondent.

5.Section 468 Cr.P.C reads as follows:

''468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub- section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be-

(a) six months, if the offence is punishable with fine only.

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for term exceeding one year but not exceeding three years.''

In the present case, the punishment for the offence complained of is imprisonment for a term which may extend to six months each. Admittedly, in the present case, charge sheet is not filed till date. Therefore, it is clearly barred by limitation.

7.Accordingly, the FIR in Crime No.817/2015 on the file of the 1<sup>st</sup> respondent is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

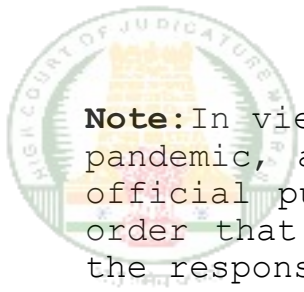
Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das



**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.

## WEB COPY

To

1. The Inspector of Police,  
C.Thideernagar Police Station (L&O),  
Madurai City.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.T.THIRUMURUGAN, Advocate SR-23447.

Crl.O.P.(MD)No.13636 of 2020  
and  
CRL.MP(MD)No.6277 of 2020  
DATED : 30.11.2020

SJ(CO)  
CS(28.12.2020) 3P 4C