



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM

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

Crl.O.P. (MD)No.13654 of 2020
and Crl.M.P. (MD)Nos.6306 & 6307 of 2020

1.Sankara Subramanian
2.Kittu @ Muthu Krishnan

... Petitioners

Vs.

1.State Rep by Special Sub Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

2.S.Haliyoor Rahman,
The Special Thasildar cum Assistant Manager,
Tamil Nadu Government Cable Corporation Ltd.,
Tirunelveli District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in STC.No.733 of 2019 on the file of the learned Judicial Magistrate, Tenkasi District in Crime No.532 of 2015, dated 27.11.2015 on the file of the first respondent and quash the same as illegal.

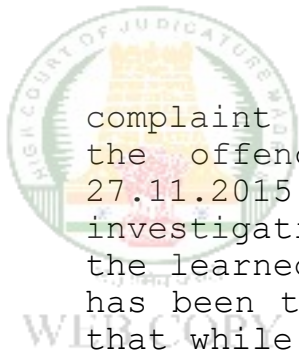
For Petitioners : Mr.T.Lajapathy Roy

For R1 : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed to quash the charge sheet in STC.No.733 of 2019 on the file of the learned Judicial Magistrate, Tenkasi District in Crime No.532 of 2015, dated 27.11.2015 on the file of the first respondent.

2.The learned counsel appearing for the petitioners would submit that the petitioners are cable TV operators and they have failed to pay the subscription charges and the defacto complainant asked the petitioners to pay a sum of Rs.83,673/-. However, the petitioners refused to pay. Hence, the defacto complainant lodged a



complaint and the same was registered in crime No.532 of 2015 for the offence punishable under Sections 294(b) and 353 IPC on 27.11.2015. He would further state that after completion of investigation, the 1st respondent/police filed charge sheet before the learned Judicial Magistrate, Tenkasi, on 15.04.2019 and the same has been taken on file in STC.No.733 of 2019. He would also state that while filing the charge sheet, the 1st respondent/police has not even filed the condone delay petition to condone the delay in filing the charge sheet. According to him, the punishment for the above offences is maximum of two years imprisonment with fine and the 1st respondent ought to have filed charge sheet on or before 27.11.2018 as per Section 468(2) Cr.P.C and therefore, he would pray to quash the charge sheet in STC.No.733 of 2019.

3.The learned Additional Public Prosecutor on instructions would state that condone delay petition has not been filed to condone the delay in filing the charge sheet.

4.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondents.

5.Admittedly, FIR in Crime No.532 of 2015 was registered on 27.11.2015 and the charge sheet has been filed for the offences under Sections 294(b) and 353 IPC. As stated by the learned counsel for the petitioners, charge sheet should have been filed on or before 27.11.2018, but the charge sheet has been filed only on 15.04.2019. The learned Additional Public Prosecutor would state that no condone delay petition has been filed to condone the delay in filing the charge sheet. Therefore, there is a bar under Section 468(2) Cr.P.C to take cognizance after the lapse of the period of limitation and hence, I am inclined to quash the charge sheet in STC.No.733 of 2019.

6.Accordingly, charge sheet in STC.No.733 of 2019 on the file of the learned Judicial Magistrate, Tenkasi District is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

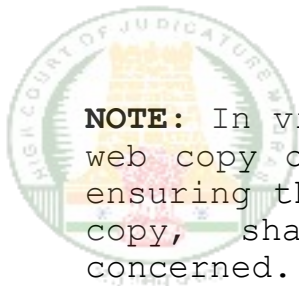
Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)



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.

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To

1.The Judicial Magistrate, Tenkasi District.

2.The Special Sub Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

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

+1cc to M.s.T.Lajapathi Ray, Advocate Sr.No.24789

ORDER MADE IN
CrI.O.P.(MD)No.13654 of 2020
DATED : 08.12.2020

SS (CO)

NR (07/01/2020) 3P : 5C