



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM

WEB COPY

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

CrI.O.P. (MD)No.14869 of 2020

and

CrI.M.P. (MD)No.7089 of 2020

Madesh

... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi City.

2.S.Muthusamy,
Sub Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi City.

... Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the impugned FIR in Crime No.605 of 2017 on the file of the first respondent and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.A.Mohan

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

ORDER

This criminal original petition has been filed to quash the First Information Report in Crime No.605 of 2017 on the file of the first respondent.

2.The learned counsel appearing for the petitioner would submit that the second respondent foisted a false case alleging that the petitioner caused disturbance to the public and traffic by using abusive language and picking up quarrel with everyone. Hence, the case in Crime No.605 of 2017 came to be registered as against the petitioner on the file of the first respondent police for the offence punishable under Section 75(1)(c) of Tamil Nadu City Police Act, 1888. He would further submit that for the above said offence, the punishment is maximum of six months imprisonment or fine upto



Rs.1000/- and therefore, the respondent/police ought to have filed charge sheet within one year as per Section 468(2) Cr.P.C. In the present case, though the FIR was registered in the year 2017, till date final report is not filed. Hence, this petition.

3.The learned Additional Public Prosecutor appearing for the first respondent would state that despite the instructions of the respondent/police, the petitioner picked up quarrel with the public and used unparliamentary words causing hindrance to the traffic and public and therefore, the above FIR has been registered. He would fairly state that the charge sheet is not filed till date.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the first 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 a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.

6.Admittedly, FIR has been registered in 2017 for the offences under Section 75(1)(c) of the Tamil Nadu City Police Act, 1888. As stated by the learned counsel for the petitioner, charge sheet should have been filed within one year, but till date, the charge sheet has not been filed. There is a bar under Section 468(2) Cr.P.C., to take cognizance against the petitioner after the lapse of the period of limitation and therefore, on the said ground I am inclined to quash the FIR.



7. Accordingly, the FIR in crime No.605 of 2017 on the file of the first respondent is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Gns

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,
Thoothukudi South Police Station, Thoothukudi City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD)No.14869 of 2020
16.12.2020

VB (18.01.2021) 3P 3C