

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.787 of 2021
and
Crl.MP.No.460 of 2021

G.Mahendran

...Petitioner/
1st Accused

.Vs.

1.State rep.by its
The Inspector of Police,
E-1, Ponneri Police Station,
Ponneri.
Thiruvallur District.

...Respondent/Complainant

Cr.No.15 of 2014

2.Uma Mageshwari

... Respondents/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in Crime No.15 of 2014, on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.U.Aslam

For Respondents : Mr.C.Raghavan
Government Advocate
for R 1

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O R D E R

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.15 of 2014, pending investigation on the file of the 1st respondent.

2.The case of the prosecution is that there was a property dispute between the petitioner and the family of the 2nd

respondent. On 07.01.2014, there was exchange of words which led to both the parties attacking each other. Based on the complaints given by both sides, FIR came to be registered in Crime Nos.14 and 15 of 2014, for offences under Section 147, 148, 294(b), 323, 324 and 506(ii) IPC r/w Section 4 of the Women Harassment Act. In the course of investigation, an alteration report was filed before the Court and the offences in both the FIRs were altered to Section 147, 294(b) and 323 IPC. This alteration report came to be filed in the year 2014.

3.The present quash petition has been filed to quash the FIR in Crime No.15 of 2014, on the ground that the dispute was purely civil in nature and the complaint given by the 2nd respondent was only a counter blast for the earlier complaint given by the petitioner. That apart, a legal ground has also been taken to the effect that the FIR was registered in the year 2014 and the investigation has not been completed till date and therefore, even if a final report is filed before the Court below, there is a bar in taking cognizance in view of Section 468 of Cr.P.C.

4.Heard Mr.U.Asam, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate appearing on behalf of the 1st respondent.

5.In the considered view of this Court, apart from the other grounds raised by the learned counsel for the petitioner, there is more force in the legal issue that has been raised in this case. The alteration report filed by the respondent police in both the FIRs has now confined the offences under Section 147, 294 (b) and 323 IPC. The offence under Section 147 of IPC is punishable with a maximum imprisonment of two years. The offence under Section 294(b) is punishable with a maximum imprisonment of three months. The offence under Section 323 of IPC is punishable with a maximum imprisonment of one year. As per Section 468(2)(c), the final report ought to have been filed within a period of three years in order to enable the Court below to take cognizance of the final report. Thereafter, there is a bar in taking cognizance after the lapse of the period of limitation.

6.It is almost more than six years since the FIR was registered in this case and therefore, both the FIRs requires the interference of this Court since there is a bar to take cognizance of the final report and there are no special circumstances for extension of the period of limitation under Section 473 of Cr.P.C.

7.In the result, the FIR in Crime Nos.14 and 15 of 2014, pending on the file of the 1st respondent, is hereby quashed and this criminal original petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP
To

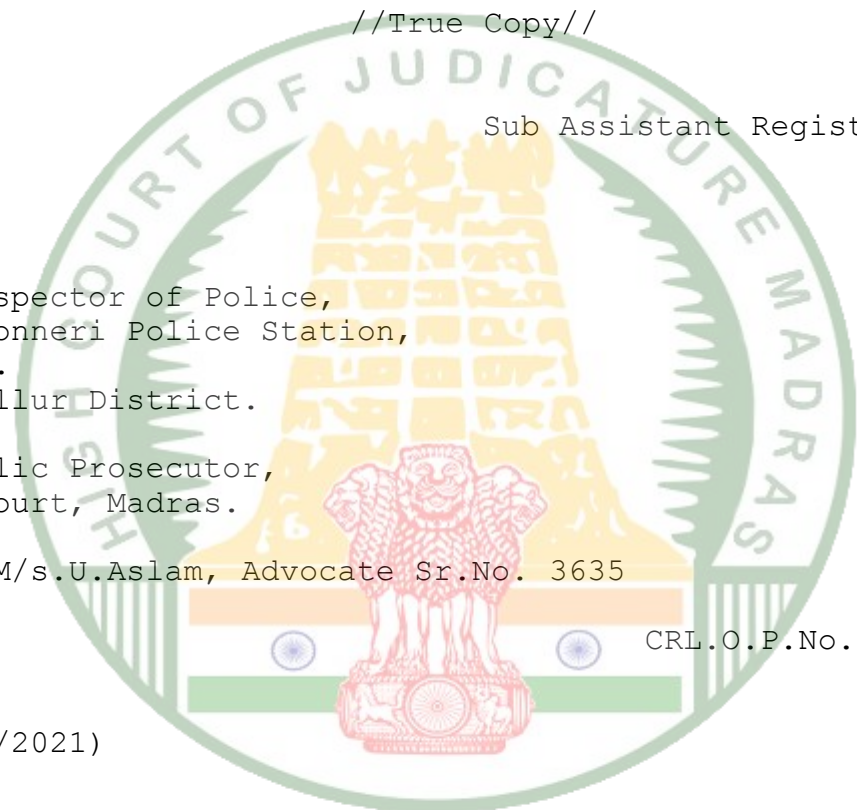
1. The Inspector of Police,
E-1, Ponneri Police Station,
Ponneri.
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.U.Asam, Advocate Sr.No. 3635

CRL.O.P.No.787 of 2021

GPL (CO)
RMP (24/03/2021)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital with a wheel (Chakras) in the center. The entire emblem is set against a background of green and white stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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