



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P No.6534 of 2015
and MP No.1 of 2015

S.P.Shivaji

..Petitioner/Single Accused

Vs.

State rep. by its
The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.218 of 2011 on the file of the Inspector of Police, Nagarasampatti Police station, Krishnagiri District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.E.Rajthilak
Counsel for Government
(Criminal Side)

ORDER

This Criminal Original petition has been filed seeking to quash the FIR in Crime No.218 of 2011, on the file of the Inspector of Police, Nagarasampatti Police station, Krishnagiri District

2. The case of the prosecution is that the petitioner was the president of Baleguli Village. He was allotted with some work by the Government under the Scheme of Mahathma Gandhi National Rural Employment scheme. While so, a surprise inspection was conducted by the Block Development Officer Kaveripattinam along with officials and they verified the records and found that the petitioner had misappropriated some amount and therefore, they gave complaint before the respondent police. An FIR came to be registered by the respondent police for an offence under 406 and 353 of IPC.



3. Heard the learned counsel for the petitioner and the learned Mr.E.Rajthilak, learned Counsel for Government (Criminal Side).

4. The learned counsel for the petitioner raised various grounds. One important ground that was raised by the learned counsel for the petitioner is that the offences for which the FIR has been registered is yet to translate itself into a final report and the same is barred under Section 468(2)(c) of Cr.PC.

5. The FIR has been registered under two provisions of IPC. The offence under Section 353 is punishable for a maximum imprisonment of two years, the offence under Section 406 is punishable for a maximum imprisonment of three years. The offence under Section 468(2)(c), cognizance can be taken for these offences only if the final report had been filed within a period of three years. Thereafter it is barred by limitation. In this case, the FIR was registered in the year 2011 and no final report has been filed till date. This Court does not find any extra ordinary circumstances to extend the time for filing the final report. No useful purpose will be served in keeping the FIR pending at this length of time. In view of the above, FIR in Crime No.218 of 2011 is hereby quashed.

This Criminal Original Petition is allowed accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District

2. The Public Prosecutor, High Court, Madras.

+2cc to Mr.E.Kannadasan, Advocate, S.R.No.29625, 29365

Cr1.O.P No.6534 of 2015

SKY(CO)
RGA(04/08/2021)