

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP. No.3465 of 2021

1. Dilli Ganesh

2. Sarath ... Petitioners

vs.

1. The State,
Rep. by Sub-Inspector of Police,
Kelambakkam Police Station. ... 1st Respondent

2. A.Ponnudhurai ... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.399 of 2019 pending on the file of the Kelambakkam Police Station, Chengalpattu District and quash the same with regard to the petitioners herein.

For Petitioners: Mr.S.Namasivayam

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR registered in Crime No.399 of 2019, which is pending investigation on the file of the first respondent Police.

2. It is seen from records that based on the complaint given by the second respondent, an FIR came to be registered for an offence under Section 143 and 341 of the Indian Penal Code in Crime No.399 of 2019.

3. It is brought to the notice of this Court that no Final Report has been filed till date. The offence under Section 143 of IPC is punishable for with an imprisonment of six months and the offence under Section 341 of IPC is punishable with an imprisonment of one month. Section 468 of the Code of Criminal

Procedure provides for the limitation for taking cognizance of an offence. In the present case, considering the maximum punishment that can be imposed for the offences mentioned in the FIR, the Final Report ought to have been filed within one year.

4. The same has not been done and hence taking of cognizance of the Final Report itself will be barred by limitation. That apart, taking into consideration the facts and circumstances of the case, no useful purpose will be served in keeping the FIR pending.

5. In the result, the FIR in Crime No.399 of 2019 pending on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Sub-Inspector of Police,
Kelambakkam Police Station.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+3ccs to Mr.S.Namasivayan, Advocate, Sr.No. 12119

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SR II (CO)
RMP (18/03/2021)

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