

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.3349 of 2021

1.Vijayakumar @ Varadharajan
S/o.Thanikachalam ...Petitioner-1/Accused 1

2.Mannadi Arumugam @ Arumugam, S/o.Muthu
... Petitioner 2/Accused 2

vs.

State rep. by

1. The Inspector of Police,
N-3, Muthaiyalpettai Police Station,
Chennai District.
(Crime No.490/2014)Respondent/Complainant

2. R.D.Radha, W/o.Unknown ..Respondent 2/Defacto
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.490 of 2014.

For Petitioners: Mr.P.Muthamizhselvakumar

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the FIR in Crime No.490 of 2014 pending on the file of the first respondent police.

2. An FIR has been registered for an offence under Sections 294(b) and 323 of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. This FIR was registered in the year 2014. It is submitted by the learned Additional Public Prosecutor that the investigation is pending and no final report has been filed.

3. The offence under Section 294(b) of IPC is punishable with a maximum imprisonment of six months. The offence under Section 323 of IPC is punishable with a maximum imprisonment of one year. The offence under Section 4 of the

Tamil Nadu Prohibition of Harassment of Women Act, 1998 is punishable with a maximum imprisonment of three years.

4. Considering the maximum period of sentence, the final report ought to have been filed within a period of three years as per Section 468(2)(c) of Cr.P.C. The same has not been done and there is a bar in taking cognizance of the final report. That apart, this Court does not find any reason to extend the period. Considering the facts and circumstances of the case, no useful purpose will be served in keeping the FIR pending at this length of time.

5. In view of the above, the FIR in Crime No.490 of 2014 pending on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed accordingly.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
N-3, Muthaiyalpettai Police Station,
Chennai District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

+2cc to M/s.P.Muthamizh Selvakumar, Advocate SR.13128

Cr1.O.P No.3349 of 2021

GPL (CO)
CB(29/03/2021)

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