

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.3967 of 2021
and Crl. MP No.2392 of 2021

1. M.Thangavel
2. Ayyasamy @ M.Raja
3. M.Sundharaj
4. Raja @ A.Maharaja
5. A.Nagaraj
6. M.Ravichandran

7. A.Murugesan
8. A.Appukttty
9. K.Arumugam
10. K.Muthukumar
11. C.Ramesh
12. P.Prabachandhar

... Petitioners/Accused
A1,2,8,10,13,17,18,20,22,24,25,26

vs.

1. State Rep. By
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(in Crime No.609 of 2012) ... Respondent/ Complainant

2. B.Pawnraj
Inspector of Police,
Palladam Police Station,
Tiruppur District. ... Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.609 of 2012 on file of the respondent, Palladam Police Station, Tiruppur District and quash the same.

For Petitioners : Mr. P.Kalimuthu

For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

On consent given by either side, the main Criminal Original Petition itself is taken up for final hearing.

2. This petition has been filed to quash the FIR registered against the petitioner in Crime No.609 of 2012 by the respondent Police for an offence under Sections 143, 341, 188 of IPC and 7 (1) (A) of the Criminal Law Amendment Act.

3. Heard Mr.P.Kalimuthu learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate (Crl. Side), appearing for the first respondent.

4. The FIR was registered in the year 2012. The offence under Section 143 of IPC is punishable with a maximum imprisonment of six months. The offence under Section 341 of IPC is punishable with a maximum imprisonment of one month. The offence under Section 188 of IPC is punishable with a maximum imprisonment of one month. The offence under Section 7(1) (A) of the Criminal Law Amendment Act, is punishable with a maximum imprisonment of six months. For all these offences, the investigation should have been completed and a final report should have been filed within a period of one year, as per Section 468 (1)(b) of the Code of Criminal Procedure. The Final Report filed beyond the same cannot be taken cognizance by the Court below unless there are special circumstances that are available where the Court can exercise its discretion and extend the time under Section 473 of the Code of Criminal Procedure. In the present case, there is no such special circumstance and the FIR itself was registered on the ground that there was an agitation without prior permission.

5. In view of the same, no useful purpose will be served in keeping the FIR pending investigation on the file of the respondent Police and accordingly the FIR in Crime No.609 of 2012 is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

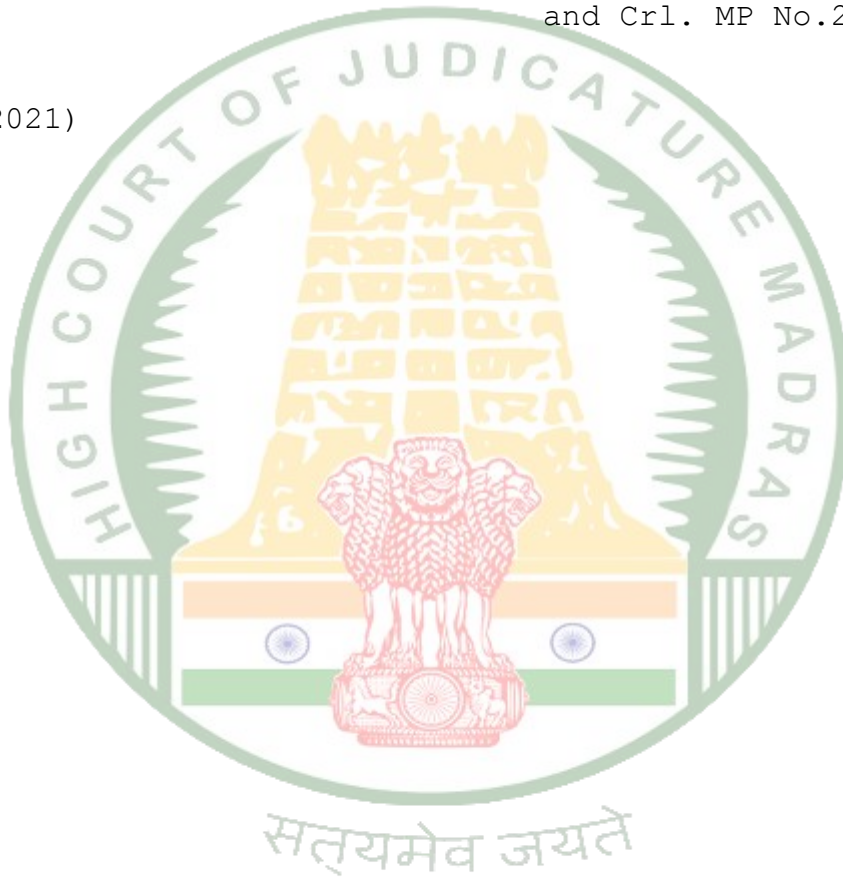
jv

To

1. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl. OP No.3967 of 2021
and Crl. MP No.2392 of 2021

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



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