

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 22.03.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

Crl.O.P No.4826 of 2021
and Crl MP No.3075 of 2021

1. Gayathri
2. Shamala
3. Shobana Rani

.. Petitioners

Vs.

1. State Rep. By
The Inspector of Police,
Thiruvannamalai East police Station,
Thiruvannamalai.

2. Vijayaraj

...Respondent /Defacto
Complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the crime No.1258 of 2017 on the file of 1st respondent and quash the same.

For Petitioners : Mr.K.R.Kumar

For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

On consent given by either side, the main criminal original petition has been taken up for final disposal.

2. This petition has been filed seeking to quash the FIR in Crime No.1258 of 2017 pending investigation on the file of the respondent police.

3. The 2nd respondent has given a complaint against the petitioners by alleging that they had illegally encroached upon the property belonging to Public Works Department and were running a shop and two officers belonging to PWD requested the accused persons to remove the shop. They were abused in a filthy language and they were also intimidated and pushed by the accused persons. Based on this complaint, an FIR came to be registered for an offence under section 294(b), 447, 353, 506(1) of IPC.

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

5. Mr.Murugan, Head Constable, was present before this Court at the time of hearing through video conferencing. The learned Government Advocate, on instructions submitted that the investigation is pending and no final report has been filed till date.

6. The main ground that has been raised in the present petition is that the final report will be barred by limitation under Section 468 of Cr.PC and the Court below cannot take cognizance of the same.

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7. The offence under Section 294(b) IPC is punishable for a maximum imprisonment of three months. The offence under Section 447 is punishable with a maximum imprisonment of three months. The offence under Section 353 of

IPC is punishable for a maximum imprisonment of two years and the offence under section 506(i) of IPC is punishable for a maximum imprisonment of two years. For all these offences, the final report ought to have been filed within a period of three years under Section 468(2) (b) of Cr.PC. The FIR was registered in the year 2017 and the final report should have been filed by November 2020. Admittedly, the same has not been done in the present case.

8. Taking into consideration the facts and circumstances of the case and also of the fact that the cognizance is barred under Section 468 of Cr.PC and there are no serious allegations to extend the period for filing the final report under section 473 of Cr.PC, the continuation of the criminal proceedings will amount to an abuse of process of law.

9. In the result, the FIR in Crime No.1258 of 2017 on the file of the 1st respondent is hereby quashed and accordingly, this Criminal Original Petition is allowed.

Consequently, the connected miscellaneous petition is closed.

22.03.2021

Index : Yes/No
Internet : Yes/No
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N. ANAND VENKATESH, J.

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To

1. State Rep. By
The Inspector of Police,
Thiruvannamalai East police Station,
Thiruvannamalai.
2. The Public Prosecutor,
High Court of Madras



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