

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.5004 of 2021
and Cr1.MP No.3187 of 2021

Mr.G.Mohanakrishnan

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its
Inspector of Police (L&O)
G-3, Kilpauk Police Station,
Kilpauk, Chennai.Respondent/Complainant

2. Mr.Venkatesan
.. Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in the FIR in Crime No.76 of 2009 dated 29.01.2009 on the file of first respondent herein.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.Mohamed Riyaz

Additional Public Prosecutor for
1st respondent

ORDER

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

2. The case of the prosecution is that the petitioner and others gathered together in the KMC Hospital and inspite of being informed that they must wait since a post-mortem is going on, they had abused and incriminated the public servant and prevented the public servants from performing public duty. An FIR came to be registered in the year 2009 for an offence under Section 143, 294(b), 353 and 506(i) of IPC.

3. Heard the learned counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor, appearing on behalf of 1st respondent.

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 four provisions of IPC. The offence under Section 143 is punishable for a maximum imprisonment of six months, the offence under Section 294(b) is punishable for a maximum imprisonment of three months, the offence under Section 353 is punishable for a maximum imprisonment of two years and the offence under Section 506(i) is punishable for a maximum imprisonment of two 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 2009 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.

6. In view of the above, FIR in Crime No.76 of 2009 dated 29.01.2009 on the file of the first respondent, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police (L&O)
G-3, Kilpauk Police Station,
Kilpauk, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC To Mr.A.Thirumaran, Advocate SR No.16276

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GMI (CO)
RG.19/04/2021