

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.5302 of 2021

and

Crl.MP.No.3390 of 2021

Farook @ Tondai Farook @ Farrok Abdullah

... Petitioner

Vs.

1. The Inspector of Police,
Mettupalayam Police Station
Coimbatore.

2. The sub Inspector of Police,
Mettupalayam Police station,
Coimbatore.

3. Palanisamy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the case in Cr.No.706 of 2013 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.L.Abdul Basith

For Respondents : Mr.M.Mohamed Riyaz R1 & R2

Additional Public Prosecutor

ORDER

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

2. This petition has been filed seeking to quash the FIR in Crime No.706 of 2013 pending investigation on the file of the second respondent.

3. The respondent police have registered the First Information Report against 14 named accused persons for offences under Section 295(A), 505(i)(c) of IPC and Section 4 of Tamil

Nadu Open Places(Prevention of Disfigurement) Act, 1959. The petitioner has been arrayed as third accused in this FIR.

4. Heard Mr.L.Abdul Basith, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public prosecutor appearing for first and second respondents. Mr. Thirumugan, Constable was present at the time of hearing through video conferencing.

5. The learned counsel for the petitioner apart from raising various grounds, mainly focused on the ground of limitation and submitted that the cognizance of the final report at this stage is barred under Section 468(2)(c) of Cr.P.C.

6. In the present case, section 295(A) IPC is punishable with maximum imprisonment of three years. Section 505(i)(c) of IPC is punishable with maximum imprisonment of three years and the offence under Section 4 of TNOPPD Act is punishable with maximum imprisonment of three months.

7. The learned Additional Public Prosecutor submitted that even though investigation has been completed. The respondent Police is yet to get sanction for filing the final report and some particulars have been sought for by the sanctioning authority.

8. In the considered view of this Court, the incident of pasting posters is said to have taken place in the year 2013 and it is almost 6 ½ years and till now no final report has been filed. The limitation period prescribed under Section 468 (2)(c) of Cr.P.C. has elapsed long back and there is a bar to take cognizance of the final report at this stage.

9. Taking into consideration the facts and circumstances of the case, this court does not find any ground to extend the time for filing the final report since no useful purpose will be served.

10. In the result, the FIR in crime No.706 of 2013 pending investigation on the file of the first respondent is hereby quashed insofar as the petitioner is concerned and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

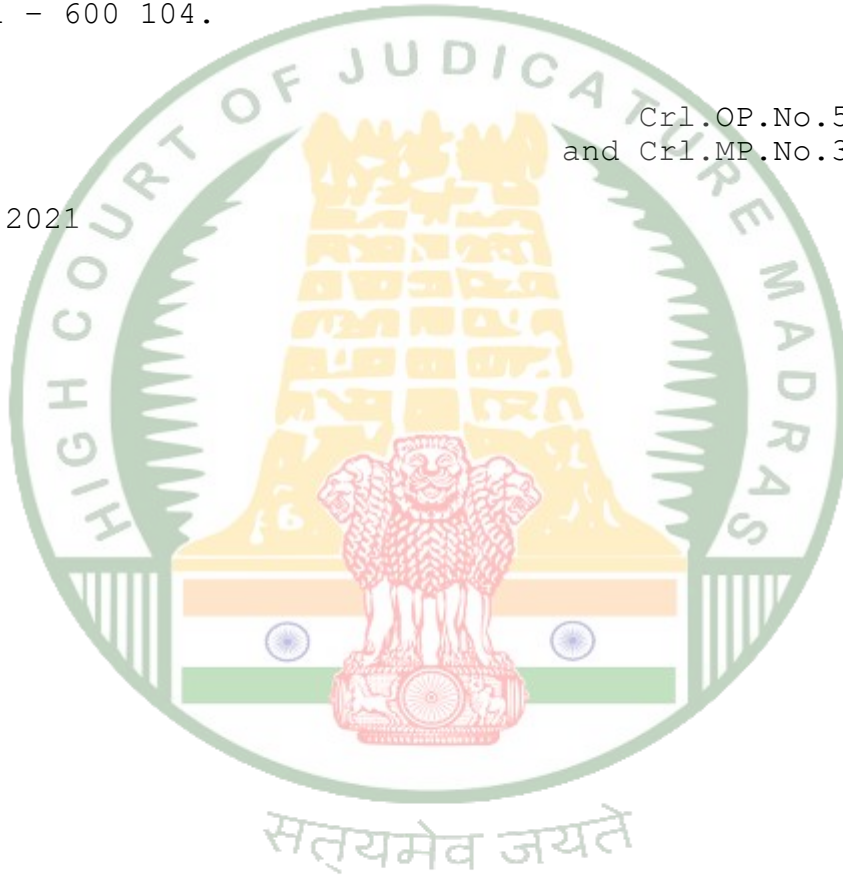
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To

1. The Inspector of Police,
Mettupalayam Police Station
Coimbatore.
2. The sub Inspector of Police,
Mettupalayam Police station,
Coimbatore.
3. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

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PMK (CO)
CSR 09.04.2021



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