



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14902 of 2021

and

CrI.M.P.No.8149 of 2021

1.Babu @ Kader Batcha
2.M.E.Abdul Hakkim
3.K.Sirajudeen
4.A.Mohamed Siddiq
5.K.Babu & Badurudhin
6.A.Riyas @ Riyashdhin
7.Mohamed Nowfal

... Petitioners/Accused

Versus

1. State Rep.by its
The Inspector of Police
Mettupalayam Police Station
Coimbatore.
(Crime No.706/2013)

2. The Sub-Inspector of Police
Mettupalayam Police Station
Coimbatore.

3.Palanisamy

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Crime No.706 of 2013 on the files of the second respondent herein and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.A.Damodaran for R1 & R2
Government Advocate (CrI.Side)



ORDER

This petition has been filed to call for the records relating to the case in Crime No.706 of 2013 on the files of the second respondent herein and quash the same as illegal and without jurisdiction.

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. These petitioners have been arrayed as accused Nos.1, 4, 5, 7, 8, 12 & 13 in this FIR.

4. Heard Mr.L.Abdul Basith, learned counsel for the petitioners and Mr.A.Damodaran, learned Government Advocate (Crl.Side) appearing for first and second respondents.

5. The learned counsel for the petitioners 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 Government Advocate (Crl.Side) 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 respondent police is hereby quashed insofar as the petitioners are concerned and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
Mettupalayam Police Station
Coimbatore.
(Crime No.706/2013)

2.The Sub-Inspector of Police
Mettupalayam Police Station
Coimbatore.

3.The Public Prosecutor
High Court of Madras.

+1cc to M/s.I.Abdul Basith, Advocate Sr No.43300

CRL.O.P.No.14902 of 2021

SJ (CO)
PR (16/09/2021)