



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVA**

Crl.O.P. (MD)No.1352 of 2021

and

Crl.MP (MD) .No.648 of 2021

WEB COPY

1. Duraikrishnan
2. Vaigundaraja
3. Dhivaker

... Petitioners/Accused No.1 to 3
Vs.

1. State through by
The Inspector of Police,
Panagudi Police Station,
In Crime No.411 of 2017,
Tirunelveli District.

2. Selvin
- ... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the FIR in Crime No.411 of 2017 on the file of the 1st Respondent and quash the same as against the petitioner is concern.

For Petitioners	: Mr.C.Susikumar
For Respondents	: Mr.R.Anandharaj
	Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to call for records relating to the FIR in Crime No.411 of 2017 on the file of the 1st Respondent and to quash the same.

2. The case of the prosecution is that, the 2nd respondent, the defacto complainant was studying 3rd year at Pet Polytechnic College. On 07.10.2017 at about 7.30 p.m, while he was standing near the bus stop, the petitioners were said to have come there and abused him using filthy language. The defacto complaint was lodged on the same day and registration in Crime No.411/17 on the file of the first respondent.

3. According to the learned counsel for the petitioner, the offence alleged against him is punishable under Sections 294(ii) of IPC. The date of alleged occurrence is 07.10.2017 at about 7.30 PM., even though a lapse of 3 years, investigation is not completed, a final report is filed by the Investigation Officer. In the counter,



it is stated that the investigation is completed. But sofar final report is not filed.

4. Reliance is placed upon the Judgment of this Court in Crl.OP.(MD).No.991 of 2015, dated 19.09.2019 to support his contention. This Court has observed that if the Investigation is not completed before the expiry of the limitation, the cognizance is barred under Section 468 of Cr.P.C and so prosecution is liable to be quashed. For the offence under Section 294(b) of IPC, punishment imprisonment is 3 months or fine or both. As per Section 468 of Cr.P.C., the limitation period is one year. But sofar no application is filed seeking extention of time or condone the delay.

5. Hence, the FIR in Crime No.411 of 2017 on the file of the first respondent stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

Note In view of the present lock down owing
: to COVID-19 pandemic, a web copy of
the order may be utilized for official
purposes, but, ensuring that the copy
of the order that is presented is the
correct copy, shall be the
responsibility of the
advocate/litigant concerned.

To

1.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.1352 of 2021
15.04.2021

KK(28.06.2021) 2P 3C

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