



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGOVAN, J.

Crl.O.P. (MD)No.6335 of 2021 and

Cr.M.P(MD) Nos.3643 & 3644 of 2021

WEB COPY

Karunanithi

... Petitioner/Accused No.1

Vs.

1.State Rep by Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

(Crime No.16/2018)

...1st Respondent / Complainant

2.Murugesan

...2nd Respondent / Defacto -

Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to CC No.59 of 2021, pending on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same against this petitioner.

For Petitioner : Mr.T.Veerakumar

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

(Crl.side)

ORDER

This petition has been filed to quash CC No.59 of 2021, pending on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

2.The case of the prosecution is that on 15.01.2018 at about 8 a.m, the second respondent was on patrol duty, he intercepted the accused and at that time, they were not wearing helmet and when the same was questioned, the second accused involved in wordy quarrel and hence a complaint has been registered in Crime No.16 of 2018 on 15.10.2018, for the offences punishable under Scctions 294(b), 353, 506(i) IPC and Sections 129 and 21 of Motor Vehicles Act 1988. After completing the investigation, Final Report was filed before the Judicial Magistrate Court, Paramakudi, which was taken on file in CC No. 59 of 2021.

3.Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioners are punishable below three years and the date of offence was 15.01.2018 and the Final Report has been filed only on 16.02.2021, which is beyond the period of limitation.

4.Heard both sides.

5.For the purpose of verification as to the date of the Final Report, a report has been called for from the learned Judicial Magistrate, Paramakudi. He has submitted a response dated 09.07.2021, wherein, it has been stated that the



Final Report has been presented before the Court on 16.02.2021 and it was taken on 10.03.2021 and assigned CC No.59 of 2021. Due to COVID-19 pandemic, the case was adjourned to 05.06.2021 and again posted to 02.08.2021. From the report, it is seen that the Final Report has been presented after the bar of limitation. It is clear from the date of offence that it ought to have been presented on or before 14.01.2021. But, it has been presented only on 16.02.2021, which is beyond the limitation period, under Section 468 Cr.P.C. It is also seen that no petition for extension of time has been filed before the Judicial Magistrate Court, Paramakudi, seeking extension of time under Section 473 Cr.P.C. No such condonation of delay or permission has been sought for, for filing the Final Report. Hence, it is crystal clear that the Final Report presented is well after the period of limitation.

6.In view of the forgoing reasons, this Criminal Original Petition allowed. Case in CC No.59 of 2021, pending on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Vrn

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 Judicial Magistrate, Paramakudi, Ramanathapuram District
- 2.The Inspector of Police,
Paramakudi Town Police Station, Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.6335 of 2021 and
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RD(19.07.2021) 2P 4C