



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

CrI.OP.(MD)No.8302 of 2021 &

CrI.MP(MD)No.4265 of 2021

WEB COPY

Monikandan @ Manikandan ... Petitioner/Accused No.2
Vs.

1.The State through,
Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.292 of 2016 ... 1st Respondent/Complainant

2.Soundara Raj ... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned First Information Report in Crime No.292 of 2016, dated 05.04.2016, on the file of the first respondent Police and to quash the same against this petitioner as illegal.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor,
for R1

ORDER

The case of the prosecution is that the petitioner and another person said to have indulged in uttering abusive and indecent words in the public place and made hindrance to the traffic. So, on that basis, the petitioner was arrested by registering a case in Crime No.292 of 2016, for the offences punishable under Section 75 of Tamil Nadu City Police Act, 1888. So far, even after lapse of five years, the investigation is not completed and final report has not been filed before the concerned Court. Seeking quashment of the First Information Report, this petition is filed mainly on the ground that cognizance of the offences is barred by limitation.

2. Heard both sides.

3. Eventhough, several grounds have been made in the petition, apparently, it is seen that the case has been registered against this petitioner for having uttered abusive and indecent words in the public place and caused hindrance to the movement of the public. Even after lapse of five years, final report has not been filed so far and the first respondent Police is not able to complete the investigation. So, it is apparently barred by limitation under Section 468 of the Code of Criminal Procedure.



4. The learned Additional Public Prosecutor would submit that considering the facts and circumstances, Court may pass appropriate orders.

5. Since, the offence is under Section 75 of Tamil Nadu City Police Act, 1888, it is clearly barred by limitation, in the facts and circumstances, First Information Report in Crime No.292 of 2016 on the file of the first respondent Police is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Thuckalay Police Station,
Kanyakumari District.

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

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-20540[F] dated 29/06/2021)

CrI.O.P.(MD)No.8302 of 2021
25.06.2021

KK(02.07.2021) 2P 4C