



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.8380 of 2021

and

Crl MP(MD)Nos.4306 & 4307 of 2021

WEB COPY

1.Poovalingam @ Boovalingam

2.Veerakumar

... Petitioners/Accused No.1 & 2

Vs.

The State Rep by
The Sub Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime No.34 of 2018)

... Respondent/Complainant/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to Charge Sheet in S.T.C.No.57 of 2021 dated 26.03.2021, on the file of learned District Munsif cum Judicial Magistrate Court, Thirppu vanam, Sivagangai District and quash the same as against the petitioners.

For Petitioners : Mr.D.Veerakumar

For Respondent : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to quash the Charge Sheet in S.T.C.No.57 of 2021, on the file of learned District Munsif cum Judicial Magistrate Court, Thirppu vanam, Sivagangai District, dated 26.03.2021.

2.The case of the prosecution is that on 30.05.2018, at about 11.30 p.m, when the police party was patrolling in and around Palayanur Streets, the accused were found in drunken mode and caused nuisance by uttering obscene words. So, case in Crime No.34 of 2018 for the offences punishable under Sections 294(b) of IPC and Section 4 (1) (j) of Tamilnadu Prohibition Act, has been filed. Against which, the petitioners filed a petition before this Court in Crl.OP (MD)No.3559 of 2021 and the same was dismissed, because of the submission made by respondent police that the final report was filed before the learned Judicial Magistrate Court, Manamadurai, on 31.05.2018. But, originally, the respondent police filed a final



report, before the learned Judicial Magistrate, Thiruppuvanam, on 26.03.2021 and the same was taken on file in S.T.C.No.57 of 2021.

3. Seeking quashment, this petition has been filed, mainly on the ground that the offence punishable under Section 294 (b) and 4 (1) (j) of Tamilnadu Prohibition Act, are petty cases. The offence under Section 294 (b) is punishable 3 months or with fine or with both. The offence under Section 4 (1) (j) of Tamilnadu Prohibition Act, is concerned, it is punishable 1 year rigorous imprisonment or with fine which may extend to two thousand rupees.

4. It appears that after a lapse of 2 ½ years, final report has been presented, only on 26.03.2021. So, it is clearly barred by limitation under the provision of Section 468 of Cr.P.C and the records shows that the respondent has not filed any application before the concerned Court seeking extension of time under Section 473 Cr.P.C. So, in the absence of any such time extension, the cognizance, taken by the Trial Court is clearly barred by limitation. So, on that ground, the proceedings pending before the Trial Court is liable to be quashed.

5. In view of the above, the proceedings in S.T.C.No.57 of 2021, on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

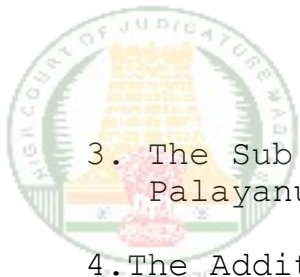
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Munsif cum Judicial Magistrate Court,
Thiruppuvanam,
Sivagangai District

2.The Chief Judicial Magistrate,
Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Sub Inspector of Police,
Palayanur Police Station, Sivagangai District.

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

+1 CC to M/s.T. VEERAKUMAR, Advocate (SR-24861[F] dated
02/08/2021)

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and
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RD(4.08.2021) 3P 6C