



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN, J.**

CrI.O.P.(MD)No.10059 of 2021

and

CrI.M.P(MD).No.5131 of 2021

WEB COPY

1.Dharmalingam
2.Tamilarasan
3.Arjunan

... Petitioners/Accused No.1 to 3

Vs.

1.State through,
The Inspector of Police,
Thenkarai Police Station,
Theni District. (Crime No.130/2019) ... 1st Respondent/Complainant

2.Chinnamani
3.C.Murugan
4.Kalaiselvi
5.Lakshmi
6.Vallinayagi

... 3rd to 6th Respondents/Defacto
Complainant &
his Legal Heirs

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.130 of 2019 dated 26.02.2019, on the file of the first respondent police and to quash the same as illegal.

For Petitioners : Mr.S.Vikram
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

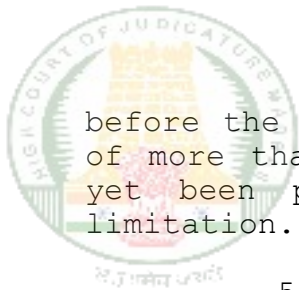
This petition has been filed to quash Crime No.130 of 2019 pending on the file of the 1st respondent police.

2.The case of the prosecution is that on 29.06.2019 at about 08.00 a.m., when the defacto complainant was standing in front of Ramanujam Tea Shop, at that time the petitioners/accused 1 to 3 came there and intercepted the defacto complainant, abused with filthy language, attached with bare hands, threatened with dire consequences and caused injuries. Based upon the complaint given by the defacto complainant, a case in Crime No.130 of 2019 has been registered on 26.02.2019, for the offences punishable under Sections 341, 294(b), 323 and 506(i) of IPC @ 341, 294(b) and 323 of IPC.

3. Seeking quashment of the same, the petitioners have come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioners, i.e the maximum punishment for the offence under Section 341 IPC is one month or with fine of Rs.500/- or both, 294(b) IPC is three months or with fine or both and 323 IPC is one year or with fine Rs.1000/- or both.

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

4.Since the occurrence took place on 29.06.2019, as per section 468(2) (b) Cr.P.C, within a year Final Report ought to have been filed



before the concerned Court. But, in the present case, even after a lapse of more than 2 years from the date of occurrence, Final Report has not yet been presented before the concerned Court, which is barred by limitation.

5.The learned Additional Public Prosecutor would submit that on verification with the Investigating Officer, it is revealed that the investigation is not completed and final report is not ready so far.

6.Heard both sides.

7. It is seen from the records that occurrence took place on 29.06.2019 and till now no Final Report has been filed. Also a petition seeking extension of time under Section 473 Cr.P.C has also not been filed before the concerned Court.

8.In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in Crime No.130 of 2019, pending on the file of the Inspector of Police, Thenkarai Police Station, Theni District is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Thenkarai Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.10059 of 2021
28.07.2021

KMV

RS (09.08.2021) 2P-3C