



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

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

Crl.O.P.(MD)No.10199 of 2021 and

Crl.M.P(MD) No.5219 of 2021

WEB COPY

- 1.Kamaraj
- 2.Jeyakumar
- 3.Bathiyaseelan
- 4.Lakshmanan
- 5.Rahumathulla
- 6.Muthuselvam

... Petitioners/Accused 1 to 6
Vs.

State Rep by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District,
In Crime No.146 of 2018

... Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.146 of 2018, dated 10.07.2018, on the file of the respondent police and quash the same as illegal.

For Petitioner

: Mr.R.Murugan

For Respondent

: Mr.R.M.Anbunithi,

Additional Public Prosecutor

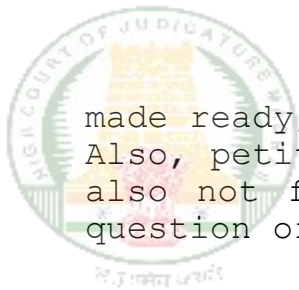
ORDER

This petition is filed seeking quashment of FIR in Crime No. 146 of 2018, dated 10.07.2018 on the file of the respondent.

2.The case in Crime No.146 of 2018 has been registered against the petitioners for the offences punishable under Section 379 IPC. The sole ground on which this petition is filed is that cognizance is barred under Section 468 of Cr.P.C and it is also stated that for the offence alleged against the petitioners is under Section 379 IPC and the maximum punishment for the said offence is 3 years. The date of occurrence is 10.07.2018.

3.The learned Additional Public Prosecutor would submit that the investigation has been completed and charge sheet was also made ready on 27.09.2019 itself for the offence punishable under Section 379 IPC and the same was not presented before the concerned Court so far.

4.The submission made by the learned Additional Public Prosecutor is recorded. The maximum punishment for the offence under Section 379 IPC is three years. According to the petitioner, it is barred by limitation. It is seen that though the Final Report is



made ready, they failed to file the same before the concerned Court. Also, petition for extension of time by the Investigating Officer is also not filed before the concerned Court. In such circumstances, question of condonation of delay also will not arise.

5. In view of the above, the crime is barred by limitation and cognizance is also barred by limitation under Section 468 of Cr.P.C. Accordingly, this Criminal Original Petition is allowed. The First Information Report in Crime No.146 of 2018 on the file of the respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// 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 Inspector of Police,
Bazaar Police Station,
Ramanathapuram District,
In Crime No.146 of 2018

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-24504[F] dated 29/07/2021)

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