



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.9981 of 2021 and
Crl.M.P(MD) No.5090 of 2021

Murugan ... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
Sankarankovil Town Police Station,
In Crime No.271/2018,
Tirunelveli District. ...1st Respondent/Complainant

2.Mr.Chelladurai,
Deputy Commissioner /Executive Officer,
Sankarankovil,
Tirunelveli District. ... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the FIR in Crime No.271 of 2018 on the file of the first respondent and quash the same as against the petitioner.

For Petitioner : Mr.C.Susi Kumar
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

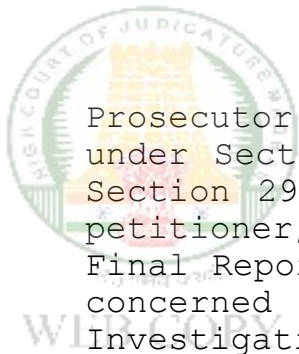
ORDER

This petition is filed seeking quashment of FIR in Crime No.271 of 2018, on the file of the first respondent.

2.The case in Crime No.271 of 2018 has been registered against the petitioner and four others for the offences punishable under Sections 147, 294(b) and 353 IPC. The grievance of the petitioner is that on 16.07.2021, copy application was filed by the petitioner before the Judicial Magistrate Court, Sankarankovil and the same was returned with an endorsement that Final Report was not filed so far. The date of occurrence is 15.04.2018.

3.The learned Additional Public Prosecutor would submit that the Final Report is made ready for the offences punishable under Sections 147, 294(b), 353 IPC and was not presented before the concerned Court,

4.The submission made by the learned Additional Public



Prosecutor is recorded. The maximum punishment for the offences under Section 353 & 147 IPC is two years and for the offence under Section 294(b) is three months or fine or both. 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.271 of 2018 on the file of the first respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// 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,
Sankarankovil Town Police Station,
In Crime No.271/2018,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MGJ(04.08.2021) 2P 3C