



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM:

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

Crl.O.P.(MD)No.10152 of 2021
and
Crl.M.P(MD).No.5181 of 2021

Manikandan ... Petitioner/Sole Accused
Vs.

1.State Rep by
Inspector of Police,
TIW-III Unit, Madurai.

2.Balakrishnan ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in Crime No.313 of 2016 dated 18.12.2016 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.M.Ramu
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

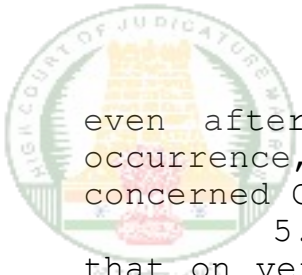
ORDER

This petition has been filed to quash Crime No.313 of 2016 pending on the file of the 1st respondent police.

2.The case of the prosecution is that on 17.12.2016, the defacto complainant's father namely Mani Konar with his friend Santhanam were talking near Mukulathoor School, Thirunagar, When his father was returning to home, the petitioner dashed his father by riding the two wheeler bearing Registration No.TN 58 AB 8410, as a result of which the defacto complainant's father sustained injuries and died. Based upon the complaint given by the defacto complainant, a case in Crime No.313 of 2016 has been registered on 18.12.2016, for the offences punishable under Sections 279, 337 IPC and 304(A) of IPC.

3. Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioner, i.e the maximum punishment for the offence under Section 279 IPC is six months or with fine of Rs.1000/- or both and maximum punishment for 337 IPC is six months or with fine of Rs.500/- or both.

4. Since the occurrence took place on 17.12.2016, 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 four 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 final report made ready on 18.02.2017, but the same has not been presented before the concerned Court.

6.Heard both sides.

7. It is seen from the records that occurrence took place on 17.12.2016 and till now no Final Report has not been presented before concerned Court. Also a petition seeking extension of time under Section 473 Cr.P.C has also not been filed before the concerned Court. So the cognizance is barred under Section 468 of Cr.P.C. In the FIR, it is stated that the petitioner was a child in conflict his law. But birth certificate is not produced. Only Identity Card is filed which is not sufficient to ascertain the correct age.

8.In view of the forgoing reasons, this Criminal Original Petition allowed. Case in Crime No.313 of 2016, pending on the file of the Inspector of Police, TIW-III Unit, Madurai, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// 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,
TIW-III Unit, Madurai.

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

+1 CC to M/s.M.RAMU, Advocate (SR-24297[F] dated 29/07/2021)

Crl.O.P. (MD)No.10152 of 2021

28.07.2021