



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 09.08.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.10888 of 2021 and

Crl.M.P(MD) Nos.5542 & 5543 of 2021

WEB COPY

Arunkumar

... Petitioner/Accused No.2

Vs.

The State

Rep by Inspector of Police,

Palayanur Police Station,

Sivagangai District.

(Crime No.33/2018)

... Respondent/Complainant

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to Charge Sheet in S.T.C.No.56 of 2021, dated 26.03.2021, on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District and quash the same as against the petitioners.

For Petitioner

: Mr.T.Veerakumar

For Respondent

: Mr.R.M.Anbunithi,

Additional Public Prosecutor

**ORDER**

This petition is filed seeking quashment of Charge Sheet in S.T.C.No.56 of 2021, dated 26.03.2021, on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District.

2.The case of the prosecution is that on 30.05.2018 at about 10.15 pm , when the police party was on patrol duty near Palliyanur, Bazaar Street, all the accused were found in drunken mood and caused public nuisance. On the basis of the complaint given by the defacto complainant, namely, the Sub Inspector of Police, case has been registered in Crime No.33 of 2018 for the offences punishable under Sections 294(b), 4(1) (j) of Tamilnadu Prohibition Act. Investigation was undertaken, materials have been collected and finally Final Report was laid before the Judicial Magistrate Court, Manamadurai. It was taken on file on 29.03.2021. Seeking quashment of the Final Report and taking cognizance, this petition is filed mainly on the ground that taking cognizance of the offence is barred by limitation under Section 468 of Cr.P.C.

3.The learned counsel for the petitioner would submit that the date of occurrence stated to be 30.05.2018 and Final Report also made ready on the same day itself. But it has been presented before the trial Court only on 26.03.2021. The punishment for the offences under Sections 294(b), 4(1) (j) of Tamilnadu Prohibition Act is below one year. So, Final Report



30.05.2019. But actually, it was presented on 26.03.2021, which is much after the period of limitation was over. So, taking cognizance of the offence is not legal and so this charge sheet is liable to be quashed.

4.Perusal of the records shows that Final Report was presented before the concerned Court only on 26.03.2021, which is beyond the limitation period, under Section 468 of Cr.P.C. More over, there is no evidence on record or material to show that seeking extension of time is presented before the concerned Court under Section 473 Cr.P.C.

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 proceedings in S.T.C.No.56 of 2021, dated 26.03.2021, on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District is hereby quashed. Consequently, connected Miscellaneous Petitions are 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 District Munsif Cum Judicial Magistrate,  
Thiruppuvanam,Sivagangai District.
- 2.The Inspector of Police,  
Palayanur Police Station, Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.VEERAKUMAR, Advocate ( SR-25708[F] dated 09/08/2021 )

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**09.08.2021**