



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD) No.11125 of 2021

and

Crl.M.P. (MD) No.5672 of 2021

WEB COPY

1.Ganesan

2.Rajathiraviyam

... Petitioners/Accused No.1,2

Vs.

1.The State represented by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.195 of 2015

... Respondent 1

2.Sahayaraj

... Respondent 2/De-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the First Information Report in Crime No.195 of 2015 pending on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.R.L.Dhilipan Pandian

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking quashment of the First Information Report in Crime No.195 of 2015 on the file of the 1st respondent police.

2.The case of the prosecution is that on 22.04.2015 at about 08.30 am., the defacto complainant was standing along with his daughter near Senbhaganoor Bus Stop and at that time, the accused persons abused them in filthy language and assaulted them with PVC pipe. The defacto complainant was attacked on his chest. So, on the basis of the complaint given by the 2nd respondent, a case in Crime No.195 of 2015 was registered on 22.04.2015 itself for the offences punishable under Sections 294(b) and 324 of IPC. Seeking quashment

of the FIR. This petition is filed mainly on the ground that



cognizance of the offence is barred by limitation.

3.The learned counsel appearing for the petitioners submitted that the petitioners have filed a copy application before the concerned Court on 20.07.2021 and it came to be returned on 22.07.2021 stating that final report is not filed so far.

4.Heard both sides.

5.The learned Additional Public Prosecutor (Crl.side) appearing for the 1st respondent would submit that even though investigation has been completed, no final report has been filed before the concerned Court. The offence under Section 294 (b) of IPC is punishable up to imprisonment of 3 months or fine or both. Similarly, the offence under Section 324 of IPC is punishable up to 3 years.

6.Now, even after a lapse of 6 years, final report has not been presented before the concerned Court. It is clearly barred by limitation under Section 468 of Cr.P.C. There is no evidence or record to show that a petition has been filed before the concerned Court seeking extension of time under Section 473 of Cr.P.C. So, in the absence of any such evidence or documents, cognizance of the offence is barred by limitation and on that ground, this petition is liable to be allowed.

7.In view of the above, I am of the considered view that the First Information Report in Crime No.195 of 2015 on the file of the 1st respondent is required to be quashed and accordingly, the same is quashed.

8.This petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// 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,
Kodaikanal Police Station,
Dindigul District.

WEB COPY

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

CrI.O.P. (MD) No.11125 of 2021
11.08.2021

RD(24.08.2021) 3P 3C