



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P. (MD) No.11606 of 2021

and

CrI.M.P. (MD) No.5920 of 2021

WEB COPY

- 1.R.Balasundararaj
- 2.B.Arumugathai
- 3.B.Sangavi
- 4.B.Arun @ Arunkumar
- 5.A.Chandrasekar
- 6.M.Anithamala
- 7.A.Pethammal
- 8.S.Alagumalai

... Petitioners

Vs.

- 1.State represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District,
Crime No.151 of 2014

- 2.R.Rameshkumar

... Respondents

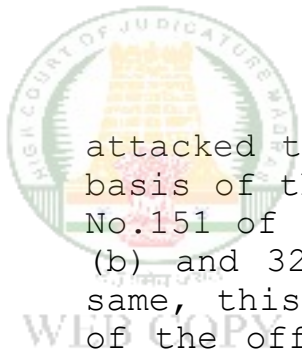
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.151 of 2014 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.M.Prabhu
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(CrI.Side)

ORDER

This petition is filed seeking quashment of the FIR in Crime No.151 of 2014 on the file of the 1st respondent police.

2.The case of the prosecution is that on 20.08.2014 at about 09.00 pm., the petitioners unlawfully assembled in front of the house of the 2nd respondent. Due to the wordy quarrel, they



attacked the defacto complainant and used filthy language. On the basis of the complaint given by the 2nd respondent, a case in Crime No.151 of 2014 for the offences punishable under Sections 147, 294 (b) and 323 of IPC has been registered. Seeking quashment of the same, this petition is filed mainly on the ground that cognizance of the offence has become barred by limitation under Section 468 of the Code of Criminal Procedure.

3.Heard both sides.

4.It is a case of unlawful assembly, causing in simple injury and using filthy language. The date of the offence is mentioned as 20.08.2014.

5.The learned Additional Public Prosecutor (Crl.side) appearing for the 1st respondent would submit that in 2014 itself, investigation has been completed and the final report has also been filed before the concerned Court. But it was returned due to some defects. Later, that was not represented before the concerned Court. Now, 7 years lapsed. But so far, the charge sheet has not been represented before the concerned Court. So, the failure on the part of the 1st respondent to represent the charge sheet within the time shows that it is clearly barred by limitation under Section 468 of the Code of Criminal Procedure.

6.The offence under Sections 147, 294(b) and 323 of IPC are punishable up to 1 year. Since 7 years lapsed, it is clearly barred by limitation. There is no record to show that the respondent police has filed the petition under Section 473 of the Code of Criminal Procedure seeking extension of time for filing the final report. Since in the absence of any such request, cognizance of the offence is barred by limitation. Accordingly, this petition is liable to be allowed and the First Information Report in Crime No.151 of 2014 on the file of the 1st respondent police is required to be quashed and accordingly, the same is quashed.

7.Accordingly, this petition is allowed. Consequently, connected miscellaneous petition is closed.

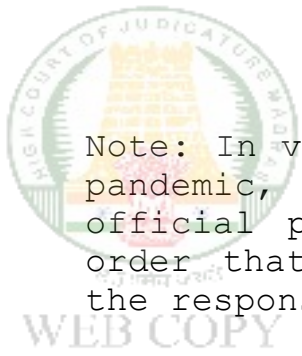
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Kallikudi Police Station,
Madurai District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.11606 of 2021
17.08.2021

PS (CO)
SB(27.08.2021) 3P 3C