



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM :

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

Crl.O.P.(MD)No.12176 of 2021 and
Crl.M.P(MD) No.6252 of 2021

Pandiyarajan ... Petitioner/ Sole Accused

Vs.

1.State Rep by
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(Crime No.754 of 2012) ... Respondent/Complainant

2.Naveen ...Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, calling for the records pertaining to Crime No.754 of 2012 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner	: Mr.K.K.Samy
For Respondent	: Mr.R.M.Anbunithi,
No.1	Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of Crime No.754 of 2012 on the file of the first respondent police.

2.The case of the prosecution is that on 16.09.2012, when the second respondent/defacto complainant's father and his relatives were returning after attending family function at Arittapatti in a vehicle bearing Registration No.TN 59 AE 8263, a bus bearing Registration No.TN 58 N 0772 coming from Madurai to Chinnakasanpatti in south to north direction and without noticing the vehicle, in which the defacto complainant's father was travelling had overtaken the vehicle at that time, the back tyre of the bus hit the motorcycle, thereby the father of the second respondent/defacto complainant went into back tyre of the bus and his hip and abdomen was crushed. Based upon the complaint given by the defacto complainant, a case in Crime No.754 of 2012 has been registered on 16.09.2012, for the offences punishable under Sections 279 , 337 & 304(A) 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 and the maximum punishment for 304 A IPC, either description for a term which may extend to two years, or with fine, or with both, barred by limitation since final report is not filed so far.

4.Since the occurrence took place on 16.09.2012, as per section 468(2) (b) Cr.P.C, within three years Final Report ought to have been filed before the concerned Court. But, in the present case, even after a lapse of more than 9 years from the date of occurrence, Final Report has not yet been presented before the concerned Court. So, this is barred by limitation.

5.The learned Additional Public Prosecutor would submit that on verification with the Investigating Officer, it is revealed that so far no Final Report has been presented before the concerned Court and the same fact is also ascertained from the letter dated 25.10.2021 from the Judicial Magistrate No.II, Madurai.

6.Heard both sides.

7. It is seen from the records that occurrence took place on 16.09.2012 and till now no Final Report has been filed. Also a petition seeking extension of time under Section 473 Cr.P.C has also not been filed before the concerned Court.

8.In view of the forgoing reasons, this Criminal Original Petition allowed. First Information Report in Crime No.754 of 2012 , pending on the file of the M.Chatrapatti Police Station, Madurai District is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

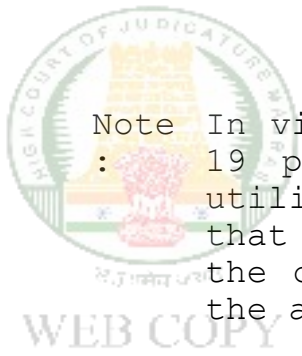
Assistant Registrar(Records)

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/ /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 Judicial Magistrate No.II, Madurai.

2.The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.

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

+1 CC to M/s.K.K.SAMY, Advocate (SR-33235[F] dated 29/10/2021)

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27.10.2021

VR(CO)

TR(18.11.2021) 3P 5C