



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM:

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

Crl.O.P.(MD)No.11704 of 2021

and

Crl.M.P.(MD).No.5995 of 2021

Gurumoorthy

... Petitioner/Sole Accused

Vs.

1.State Rep by

The Inspector of Police,
Sedapatty Police Station,
Madurai.

(Crime No.246 of 2017)

...1st Respondent /
Complainant

2.Periyamayan

...2nd Respondent / Defacto -
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.246 of 2017 pending on the file of the 1st respondent dated 21.10.2017 and quash the same as against the petitioner.

For Petitioner : Mr.T.Amjaddhan

For R1 : Mr.R.M.Anbunithi

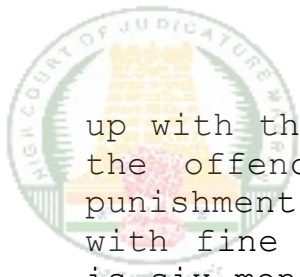
Additional Public Prosecutor

ORDER

This petition has been filed to quash Crime No.246 of 2017 pending on the file of the 1st respondent police.

2.The case of the prosecution is that on 18.10.2017 at about 8.00 p.m, the defacto complainant along with one Kasirajan was riding two wheeler bearing Registration No.TN 58 AC 7025 from Kanavaipatty to Usilampatty. Dinesh Kumar was sitting back of the vehicle and the vehicle came to a standstill without petrol. At that time, a vehicle came in the opposite direction in a rash and negligent manner driven by one Gurumoorthy dashed against the defacto complainant, as a result of which, he sustained injuries. Based upon the complaint given by the defacto complainant, a case in Crime No.246 of 2017 has been registered on 18.10.2017, for the offences punishable under Sections 279 and 337 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.

WEB COPY

4.Since the occurrence took place on 18.10.2017, 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 so far no Final Report has been presented before the concerned Court.

6.Heard both sides.

7. It is seen from the records that occurrence took place on 18.10.2017 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. Case in Crime No.246 of 2017, pending on the file of the Inspector of Police, Sedapatty Police Station, Madurai is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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

<https://hcservices.ecourts.gov.in/hcservices/>
1. The Inspector of Police,
Sedapatty Police Station,
Madurai.



Crl.O.P(MD).No.11704 of 2021

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

WEB COPY

Crl.O.P. (MD)No.11704 of 2021
28.09.2021

SK(CO)
SB(03.12.2021) 3P 3C