



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.12965 of 2020

and

Crl.MP(MD)No.5918 of 2020

WEB COPY

1.Jeyanthi
2.Arunachalam

... Petitioners/Accused 3 and 4

Vs.

The Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

(Under Crime No.540 of 2018) ... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the First Information Report under Crime No.540 of 2018, dated 02.11.2018 on the file of the Respondent Police, insofar as the petitioners are concerned and to quash the same.

For Petitioners

: Mr.K.R.Laxman

For Respondent

: Mr.S.Manikandan

Government Advocate (Crl.Side)

ORDER

This petition is filed to quash the First Information Report in Crime No.540 of 2018, on the file of the Respondent Police, dated 02.11.2018, registered for the offence under Section 160 IPC

2. When the matter is taken up for hearing, the learned counsel for the petitioners would submit that the date of occurrence is said to be 02.11.2018 and even after a lapse of 3 years, final report has not been filed sofar. Only on that ground, this quash petition is maintainable. Apart from that, other legal issues have been pointed out.

3.The learned Government Advocate (Crl.Side) would submit that final report was filed before the learned Judicial Magistrate, Tenkasi, on 02.11.2021, and it was not taken on file sofar.

4.But, however, it is seen that on 10.12.2020, the stay order has been passed by this Court. But, from the facts narrated above, it is seen that even before the date of passing of the stay order, the cognizance taken by the Trial Court is barred, under Section 468 Cr.P.C. So, the stay that has been granted by this Court, will not save limitation. Without going to the other facts, only on the above said sole ground, this petition has to be allowed.



5. Accordingly, the First Information Report in Crime No.540 of 2018, on the file of the respondent police, dated 02.11.2018, is quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-38747[F] dated 15/12/2021)

Crl.O.P. (MD)No.12965 of 2020

and

Crl.MP (MD)No.5918 of 2020

14.12.2021

MMS (CO)

GC(27.12.2021) 2P 4C