



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.09.2021**

CORAM:

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

Crl.O.P.(MD)No.13269 of 2021

and

Crl.M.P(MD).No.6844 of 2021

S.Kuppaiyandi,
S/o.Sundaravel

... Petitioner/Accused No.2

Vs.

The State rep.by,

1.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.677 of 2018.

2.Baskar,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

...Respondents/Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the FIR in Crime No.677 of 2018 on the file of the first respondent police and quash the same as illegal as against the petitioner and devoid of merits.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed to quash Crime No.677 of 2018 pending on the file of the 1st respondent police.

2.The case of the prosecution is that on 10.09.2018 at about 14.00 hrs, while the defacto complainant/second respondent herein along with his team, on duty at Sivakasi Bus Stand, while so, they found two named persons namely Kumaran and Kuppaiyandi along with several others took a protest by condemning the Petrol and Diesel price hike by Union Government and made road road, on 10.09.2018. The second respondent had warned the protestors, despite that they continued the same. Based upon the complaint given by the defacto complainant, a case in Crime No.677 of 2018



has been registered on 10.09.2018, for the offences punishable under Sections 143 and 188 of 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 143 IPC is six months or with fine or both and maximum punishment for 188 IPC is one month or with fine or both.

4. Since the occurrence took place on 10.09.2018, 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 3 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 10.09.2018 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.667 of 2018, pending on the file of the first respondent is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// 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

1.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

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

Crl.O.P. (MD)No.13269 of 2021
09.09.2021

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