



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Crl.O.P. (MD) No.13408 of 2021

and

Crl.M.P. (MD) No.6964 of 2021

WEB COPY

- 1.Sathik Al Ameen
- 2.Jahir Hussain
- 3.Azarudeen
- 4.Syed Abdul Asif
- 5.Satham Hussain
- 6.Naina @ Naina Mohamed

... Petitioners

Vs.

- 1.The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
In Crime No.37 of 2017

- 2.Beer Mohamed

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.37 of 2017 on the file of the 1st respondent and quash the same as illegal.

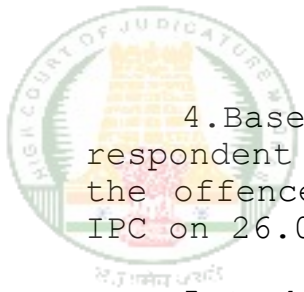
For Petitioners	: Mr.D.Balamurugapandi
For R1	: Mr.R.M.Anbunithi
	Additional Public Prosecutor (Crl.side)

ORDER

This petition is filed seeking quashment of the First Information Report in Crime No.37 of 2017 on the file of the 1st respondent herein.

2.The case of the prosecution in brief is as follows:-

3.On 25.03.2017 at about 05.00 pm., when the defacto complainant was standing near the Railway Gate at Pamban, the accused persons came there and abused him in filthy language and wordy quarrel arose between them. Because of the aforesaid enmity, all the accused persons came to the defacto complainant's house and abusing him in filthy language and the accused 1 and 2 assaulted him as well as his brothers. They also damaged the plastic chairs, sewing machine and etc.



4. Based upon the complaint given by the 2nd respondent, the 1st respondent herein has registered the case in Crime No.37 of 2017 for the offences punishable under Sections 147, 294(b), 323 and 427 of IPC on 26.03.2021.

5. Seeking quashment of the aforesaid case, this petition is filed mainly on the ground that even after a lapse of 4 years from the date of occurrence, final report has not been filed before the concerned Court, after completing the investigation, which is barred by limitation under Section 468 of Cr.P.C.

6. Heard both sides.

7. The alleged offences are Sections 147, 294(b), 323 and 427 of IPC. The offence under Section 147 of IPC is punishable up to two years, or with fine or with both, the offence under Section 294(b) of IPC is punishable up to 3 months, or with fine or with both, the offence under Section 323 of IPC is punishable up to 1 year or with fine, which may extend Rs.1,000/- or with both and the offence under Section 427 of IPC is punishable up to 2 years, or with fine or with both.

8. Even after a lapse of 4 years from the date of occurrence, final report has not been filed as admitted by the learned Additional Public Prosecutor (Crl.side). So, it is barred by limitation under Section 468 of Cr.P.C. There is no material to show that the 1st respondent herein has filed a petition before the jurisdictional Magistrate Court seeking extension of time under Section 473 of Cr.P.C. In the absence of any such material, cognizance of the aforesaid offence is barred by limitation. So, on the sole ground, this petition is liable to be allowed.

9. Accordingly, this petition is allowed. The impugned First Information Report in Crime No.37 of 2017 on the file of the 1st respondent herein is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// 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



To

1.The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-28989[F] dated
14/09/2021)

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13.09.2021

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