



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.14219 of 2021

and

Crl.M.P. (MD)No.7433 of 2021

S.Sonaimuthu

... Petitioner/Accused No.2

vs.

1.The Sub-Inspector of Police,
Samayanallur Police Station,
Madurai District.
(in Crime No.181 of 2017)

... 1st Respondent/

Complainant

2.Anbu Muthusamy

... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records relating to the FIR in Crime No.181 of 2017 dated 17.04.2017 pending on the file of the first respondent and quash the same.

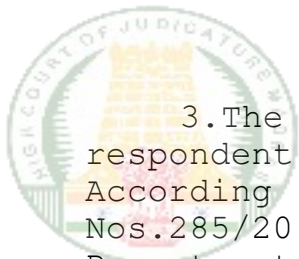
For Petitioner : Ms.J.Anandavalli

For Respondents : Mr.M.Veeranthiran
Government Advocate for R1
Mr.R.Anandharaj for R2

O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned counsel for the second respondent.

2.The petitioner is figuring as second accused in Crime No.181 of 2017 registered on the file of the Samayanallur Police Station for the offences under Sections 447, 427 and 506(1) IPC.



3.The second respondent is the de-facto complainant. The second respondent claims to be the Secretary of Village Welfare Committee. According to him, in the subject property situated in Survey Nos.285/20 and 278/7, karuvelam trees were standing. The Revenue Department were directed to cut and remove them. However, the accused cut and removed them on their own. When the same was objected to by the de-facto complainant, the petitioner and others threatened and criminally intimidated the de-facto complainant. That led to registration of the aforesaid FIR. To quash the same, this Criminal Original Petition has been filed on more grounds than one.

4.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. The learned Additional Public Prosecutor and the learned counsel for the de-facto complainant submitted that no case has been made out for quashing the impugned FIR and they prayed for dismissal of this petition.

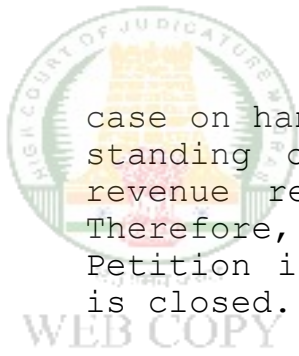
5.I carefully considered the rival contentions and went through the materials on record. The offences under Sections 447, 427 and 506(1) IPC carry the following punishments :

S.No.	Offence	Punishment
1	447 IPC	Imprisonment for three months
2	427 IPC	Imprisonment for two years
3	506(1) IPC	Imprisonment for two years

Therefore, the final report should have been filed in this case within a period of three years. The said limitation period expired on 16.04.2020 itself. Though more than 1 1/2 years have lapsed from the date of expiry of limitation, till date, the first respondent has not filed the final report. I queried the learned Government counsel as to why there was delay in filing the final report, but no explanation is forthcoming.

6.The learned counsel for the petitioner drew my attention to the order ***in Crl.O.P.No.26713 of 2017 dated 16.04.2019 (R.Moorthi vs. The Inspector of Police, Gudiyattam Town Police Station, Gudiyattam and another)***. In the said case, the learned Judge had held that if the final report has not been filed within the limitation period and no reason for the delay is forthcoming, the FIR itself cannot be sustained any further. That apart, the property in question appears to be standing only in the name of the petitioner. Patta copy has also been enclosed in the typed set of papers. The learned counsel for the de-facto complainant would claim that this patta is a forged one. But then, the second respondent filed any one document in his favour.

7.Therefore, I go by the uncontroverted material enclosed in the typed set of papers. During the relevant point of time, there was a drive for cutting and removing the karuvelam trees. In the



case on hand, the petitioner has cut and removed the trees that were standing on the land which is in the petitioner's name in the revenue records. No case is made out against the petitioner. Therefore, the impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

// 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 concerned.

To

- 1.The Sub-Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/S.J.ANANDHAVALLI, Advocate, SR.No.35383

Crl.O.P. (MD)No.14219 of 2021

and

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Date:18.11.2021

SA/SKN (24.11.2021) 3P 4C