



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.01.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.740 of 2020

1.M.Subbulakshmi Ammal
2.V.P.Murugan
3.M.Malathy

.. Petitioners/Accused Nos.1 to 3

Vs.

State through Sub Inspector of Police,
Y.Othakadai Police Station,
Madurai -625 107.
(Crime No.31 of 2015)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the Cr.M.P.No.732 of 2020 dated 14.09.2020 on the file of the learned Judicial Magistrate, Melur and to set aside the same.

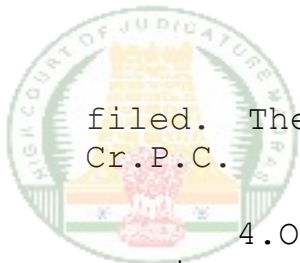
For Petitioner : Mr.N.Ilango
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.732 of 2020 dated 14.09.2020, on the file of the learned Judicial Magistrate, Melur.

2.The defacto complainant claiming himself as a cultivating tenant has filed a complaint against the petitioners. The FIR was registered against the petitioners on 14.01.2015 under Sections 294(b), 447, 427 and 506(i) of IPC. Since chargesheet was not filed within the stipulated time, the petitioner has filed a petition under Section 468 of Cr.P.C., in Cr.M.P.No.732 of 2020 for closing the FIR. That petition was dismissed by the trial Court. Against which, the petitioners preferred this revision.

3.On the side of the petitioners, it is stated that all the charges under Sections 294(b), 447, 427 and 506(i) of IPC are punishable only within three years and chargesheet was not yet



filed. The proceedings should be stopped under Section 468 of Cr.P.C.

4. On the side of the respondent, it is stated that taking cognizance of a chargesheet is the discretion of the Court. The trial Court can decide whether the delay is to be excused at the time of filing to the chargesheet and prayed the petition to be dismissed.

5. A perusal of the records reveals that the matter is relating to a tenancy right. The tenancy right of the complainant was negatived by the Tahsildar. An appeal is alleged to have been pending against the order of the Tahsildar. The allegation against the petitioners is that they are interfering in the possession of the complainant, which is purely civil in nature. It is admitted that the respondent failed to file chargesheet within the time limit. Till today the respondent has not filed the chargesheet. It is admitted that the respondent has not filed any petition under Section 473 of Cr.P.C., for extension of the time limit.

6. In the above circumstances, there is no necessity to keep the petitioners in threat of prosecution for any further period. Hence, this Criminal Revision Case is allowed and the order passed in Cr.M.P.No.732 of 2020 dated 14.09.2020, on the file of the learned Judicial Magistrate, Melur is set aside and the proceedings against the petitioners is to be closed under Section 468 of Cr.P.C.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Mrn

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 Judicial Magistrate, Melur.

2.The Sub Inspector of Police,
Y.Othakadai Police Station,
Madurai.

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

+1 CC to M/s.N.TAMIL MANI, Advocate (SR-172[F] dated 06/01/2021)

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KM (20.01.2021) 3P 5C