



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P. (MD) No.14554 of 2021

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1. Haja Asham
2. Shafeek Ahamed
3. Farhan Ahamed
4. Mohammed Meera

... Petitioners /

Accused No.1, 2, 3 and 5

Vs.

1. State represented by
The Sub-Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime.No. 46 of 2015)

... 1st Respondent / Complainant

- 2.M.Ashraf Ali

... 2nd Respondent / Defacto -
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the First Information Report in Crime No. 46 of 2015 on the file of the first respondent police, quash the same so far as the petitioners are concerned.

For Petitioners : Mr.A.Sivasubramanian

For R-1 : Mr.R.M.S.Sethuraman

Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking quashment of the First Information Report in Crime No.46 of 2015, on the file of the first respondent police.

2.The case of the prosecution is that due to previous enmity, the petitioners and others abused the defacto complainant in filthy language and attacked him and also threatened him. On the basis of the complaint given by the 2nd respondent/ defacto complainant, a case in Crime No.46 of 2015 for the offences punishable under Sections 147, 352, 294(b) and 506(i) of IPC has been registered. Seeking quashment of the same, this petition is filed mainly on the ground that cognizance of the offence has



become barred by limitation under Section 468 of the Code of Criminal Procedure.

3. Heard both sides.

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4. The learned counsel for the petitioners would submit that due to pendency of the First Information Report, the passport authorities are denying renewal of the passports of the petitioners and as such they are losing job opportunities outside India.

5. The learned Additional Public Prosecutor (Crl.side) appearing for the 1st respondent would submit that investigation is pending.

6. The offence under Sections 147, 352, 294(b) and 506(i) of IPC is punishable up to imprisonment of 3 years or fine or both. Now, even after a lapse of 6 years, final report has not been presented before the concerned Court. It is clearly barred by limitation under Section 468 of Cr.P.C. There is no evidence or record to show that a petition has been filed before the concerned Court seeking extension of time under Section 473 of Cr.P.C. So, in the absence of any such evidence or documents, cognizance of the offence is barred by limitation and on that ground, this petition is liable to be allowed.

7. In view of the above, I am of the considered view that the First Information Report in Crime No.46 of 2015 on the file of the first respondent is required to be quashed and accordingly, the same is quashed.

8. This petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Sub-Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.

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

Crl.O.P. (MD)No.14554 of 2021
29.09.2021

SRR(CO)
SB(08.10.2021) 3P 3C