



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAR

Crl.O.P. (MD) No.14746 of 2021

and

Crl.M.P. (MD) No.7828 of 2021

WEB COPY

T.Vinoth @ Vinoth Gambili ... Petitioner / Accused No.2
Vs.

State represented by

1. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.73 of 2016

... 1st Respondent / Complainant

2.J.Puliyammal

... 2nd Respondent/
Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.73 of 2016, dated 13.02.2016 on the file of the first respondent police for alleged offences under Sections 147, 294 (b), 341, 323 and 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and to quash the same.

For Petitioner : Mr.T.Thirumurugan
For R1 : 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.73 of 2016, dated 13.02.2016, on the file of the 1st respondent police.

2.The case of the prosecution is that on 13.02.2016, the petitioner and others restrained the defacto complainant's son, namely, Rajapandi and they attacked the defacto complainant's son. When the defacto complainant intervened, the accused persons abused them with filthy language and threatened her with dire consequences. On the basis of the complaint given by the 2nd respondent, a case in Crime No.73 of 2016 for the offences punishable under Sections 147, 294(b), 341, 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 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.



4. The learned counsel for the petitioner would submit that the petitioner is the real victim and he has not participated in any offences. On 13.02.2013, the defacto complainant's son, namely, Rajapandi riding his two wheeler in a rash and negligent manner and hit the petitioner's sister, namely, Divya and the same was questioned by the petitioner, the said Rajapandi misbehaved with the petitioner's sister and abused and also attacked her and the petitioner's father with iron rod and wooden stick. Hence, the petitioner's sister/Divya gave a complaint against the said Rajapandi and others and the same was registered in Crime No.72 of 2016 for the offences punishable under Sections 147, 148, 354, 452, 324 and 506 (ii) I.P.C. As a counter blast, the defacto complainant has given a false complaint against the petitioner.

5.The learned Additional Public Prosecutor (Crl.side) appearing for the 1st respondent would submit that investigation in this case is still pending and wound certificate has not been received sofar.

6. Now, 5 years lapsed. But so far, the investigation has not been completed. So, the failure on the part of the 1st respondent to complete the investigation and to file the charge sheet within the time shows that it is clearly barred by limitation under Section 468 of the Code of Criminal Procedure.

7.The offence under Sections 147, 294(b), 341, 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act are punishable up to 3 years. Since 5 years lapsed, it is clearly barred by limitation. There is no record to show that the respondent police has filed the petition under Section 473 of the Code of Criminal Procedure seeking extension of time for filing the final report. Since in the absence of any such request, cognizance of the offence is barred by limitation. Accordingly, this petition is liable to be allowed and the First Information Report in Crime No.73 of 2016 on the file of the 1st respondent police is required to be quashed and accordingly, the same is quashed.

8.Accordingly, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// 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 Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-30784[F] dated 30/09/2021

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KMV (CO)
KB (23.11.2021) 3P 4C