



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

CrI.O.P. (MD) No.16308 of 2021

and

CrI.M.P. (MD) Nos.8739 and 8740 of 2021

Ramesh Kumar

... Petitioner

Vs.

1.State represented by
Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(In Crime No.302 of 2017)

2.S.Sampath

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in the case in STC.No.615 of 2020 on the file of the Judicial Magistrate Court No.I, Virudhunagar and quash the same as illegal, violation of law, barred by limitation.

For Petitioner
For R1

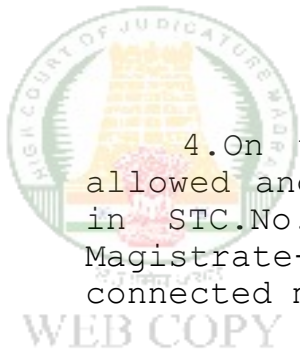
: Mr.M.Jothibas
: Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of STC.No.615 of 2020 on the file of the learned Judicial Magistrate-I, Virudhunagar.

2.Perusal of paper shows that the date of occurrence stated to be on 29.03.2017. Even though the final report was also made ready on 08.05.2017, the same was presented before the concerned Court on 12.03.2020 and was taken on file only on 25.08.2020, which is much after a period limitation.

3.Further, there is no material to show that the Investigation Officer already obtained proper permission from the concerned Court under Section 473 of Cr.P.C. seeking extension of time to complete the investigation and file the final report. So, it is clearly barred by limitation and the cognizance that has been taken by the trial Court is not legal.



4.On the sole ground itself, this petition is liable to be allowed and accordingly, it stands allowed. The proceedings pending in STC.No.615 of 2020 on the file of the learned Judicial Magistrate-I, Virudhunagar is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 no. I,
Viruthunagar.
- 2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.JOTHIBASU, Advocate (SR-32748[F] dated 27/10/2021)

CrI.O.P. (MD)No.16308 of 2021
26.10.2021

SVN(CO)
KB(25.11.2021) 2P 5C