



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM :

WEB COPY

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

CrI.O.P. (MD) No.16550 of 2021 &
CrI.MP (MD) Nos.8929 & 8930 of 2021

1.Jothimani
2.Gideon

... Petitioners/Accused 1&2

Vs.

1.State Represented by
The Sub Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.461/2020)

... 1st Respondent/Complainant

2.Somasundaram
Sub Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District. ... 2nd Respondent/Defacto Complainant

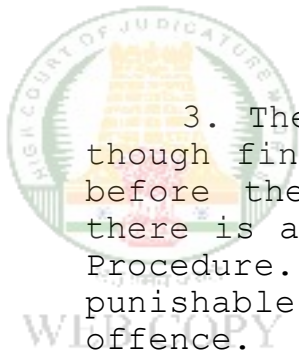
Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC.No.1049 of 2021 on the file of the Judicial Magistrate Court No.I, Virudhunagar and quash the same as illegal, violation of law, barred by limitation.

For Petitioners	: Mr.M.Jothibas
For Respondents	: Mr.RMS.Sethuraman
	Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of STC.No.1049 of 2021 on the file of the Judicial Magistrate Court No.I, Virudhunagar.

2. The case of the prosecution is that on 14.06.2020, at about 06.30 hours, the petitioners were standing in Ramamoorthy Road Railway Junction, creating nuisance by abusing some innocent persons in filthy language. On the basis of the complaint given by the second respondent, a case in Crime No.461 of 2020 came to be registered on 14.06.2020. After completing investigation, final report was filed before the Trial Court on 16.09.2021. Seeking quashment of the Charge Sheet, this petition is filed.



3. The learned counsel for the petitioner submitted that even though final report was made ready on 04.02.2021, it was presented before the Trial Court only on 16.09.2021. According to him, there is a clear bar under Section 468 (2) of the Code of Criminal Procedure. Limitation period to file a final report for the offence punishable under Section 294(b) is one year from the date of offence. Since the final report was filed before the Court after limitation period, cognizance taken by the Trial Court is not valid in law. On the above sole ground, this Criminal Original Petition is liable to be allowed.

4. Accordingly, this Criminal Original Petition is allowed. STC.No.1049 of 2021 on the file of the Judicial Magistrate Court No.1, Virudhunagar is quashed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mbi

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,
Virudhunagar.
- 2.The Sub 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.JOTHI BASU, Advocate (SR-33088[F] dated
28/10/2021)

Crl.O.P. (MD)No.16550 of 2021
28.10.2021

SJ(CO)

RS/SKN (23.11.2021) 2P 5C