



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17141 of 2021

Syed Shahul Hameed @ Shahul ... Petitioner/Accused No.9

Vs.

1.The Sub Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(In Crime No.197 of 2015) ... 1st Respondent/Complainant

2.S.Sivaraja ...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in Crime No.197 of 2015 on the file of the Sub Inspector of Police, Anna Nagar Police Station, Madurai City and quash the same sofar as the petitioner is concerned.

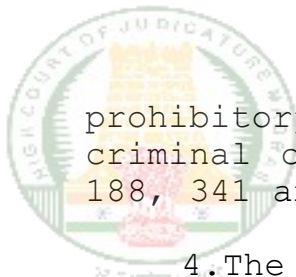
For Petitioner : Mr.T.Balarathinakumar
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

O R D E R

The petitioner is a law graduate. He is figuring as an accused in Crime No.197 of 2015 registered on the file of the Sub Inspector of Police, Anna Nagar Police Station, Madurai City. To quash the said FIR as far as he is concerned, this criminal original petition has been filed.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the first respondent.

3.The occurrence is said to have taken place on 06.02.2015. The defacto complainant is the Special Sub Inspector of Police attached to Anna Nagar Police Station. The information lodged by the defacto complainant is to the effect that the petitioner and a group of law college students gathered before Anna Nagar Police Station and raised slogans condemning the police and that they did not disperse even though they were specifically warned. It is further stated that the petitioner and other accused violated the



prohibitory orders that were then in force. Hence, the aforesaid criminal case was registered for the offences under Sections 143, 188, 341 and 353 of IPC.

4.The offences and the punishment which they would entail are as follows:-

S.No	Offence	Punishment
1	143 of IPC	Imprisonment for six months or fine or both
2	188 of IPC	Simple imprisonment for one month
3	341 of IPC	Simple imprisonment for one month
4	353 of IPC	Imprisonment for two years or fine or both

5.As per section 468 of Criminal Procedure Code, after the expiry of the period of limitation set out under Section 468(2) of Criminal Procedure Code, no Court shall take cognizance of the offence. In the case on hand, the period of limitation expired in the year 2018 itself. Of course, Section 474 of Cr.P.C., provides for extension of period of limitation. But for obtaining such an extension, the Court must be satisfied with the explanation that must be offered by the police. In the case on hand, there is absolutely no explanation forthcoming from the respondent. That apart, the accused are not said to have indulged in any act of violence. They have also not obstructed the members of the general public. All that they did was only to assemble before the respondent police station and raise some slogans condemning the police. For this act, keeping the prosecution pending for six years definitely amounts to abuse of legal process. The impugned FIR is quashed. The criminal original petition is allowed. The benefit of this order will inure to the non-petitioning accused also.

Sd/-

Assistant Registrar(CS-I)

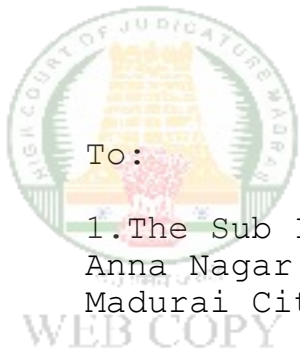
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Sub Assistant Registrar(CS)

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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 Sub Inspector of Police,
Anna Nagar Police Station,
Madurai City.

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

**Crl.O.P(MD)No.17141 of 2021
08.11.2021**

SJ(CO)
TR/PM(18.11.2021) 3P 3C