



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20004 of 2021

WEB COPY

Kavitha Kathiresan

... Petitioner/Sole Accused

Vs.

1.The State represented by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.230 of 2019)

..1st Respondent/Complainant

2.Gobalakrishnan

..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 impugned FIR in Crime No.230 of 2019 pending on the file of the 1st respondent police and quash the same.

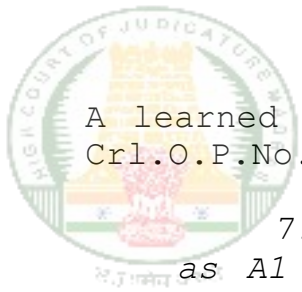
For Petitioner	:	Mr.C.Lakshmanan
For Respondents	:	Mr.E.Antony Sahaya Prabahar, Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

2.The petitioner is figuring as accused in Crime No.230 of 2019 registered on the file of the first respondent for the offence under Section 4A(1a) of Tamilnadu Open Places (Prevention of Disfigurement) Act, 1959.

3.The said offences is punishable with imprisonment for return upto three months. Therefore, under Section 468 of CrPC, the final report should have been filed within one year. Of course, under Section 473 of CrPC, the jurisdictional Magistrate can extend the time also. But then, sufficient cause must be shown. I wanted to know from the first respondent as to whether there is any reason for not filing the final report within time. No explanation is forthcoming. That apart, the offence in question is rather trivial.



A learned Judge of this Court vide order dated 25.11.2019 made in Crl.O.P.No.9199 of 2019 held as follows:-

7.On perusal of the documents, the petitioners arrayed as A1 to A4. The occurrence took place on 10.10.2015 and the first respondent completed the investigation and filed final report on 19.03.2019 for the offence under Sections 294(b) and 323 IPC. The offence punishable with imprisonment for a period of three months and one year respectively. But, the first respondent filed final report after a lapse of four years from the date of occurrence. Therefore, it is violation of Section 468 (2) Cr.P.C.

Section 468 (2)Cr.P.C is extracted here under:

"The period of limitation shall be -

(a) six months, if the offence is punishable with fine only,

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year,

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years."

4.Respectfully following the same, the impugned FIR is quashed. The criminal original petition is allowed.

Sd/-

Assistant Registrar (Records)

// True Copy //

22/122021

Sub Assistant Registrar(CS III)

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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 Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

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

1CC TO MR. C.LAKSHMANAN, ADVOCATE SR 39240

MGJ

22/12/2021

3P.4C

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