



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1576 of 2022

&

CRL.M.P.No.639 of 2022

Mohamed Haja Nijamudeen

... Petitioner

Versus

State Rep by its,

1. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District,
Crime No.182 of 2018

2. H.Mahalakshmi,
Sub Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records relating to the FIR in Crime No.182 of 2018 on the file of the respondent and quash the same.

For Petitioner : Mr.M.Rajkumar

For Respondents : Mr.E.Raj Thilak for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records relating to the FIR in Crime No.182 of 2018 on the file of the respondent and quash the same.

2. The case of the prosecution is that on 20.03.2018, the petitioner along with 33 other persons belong to a Political Party made protest near Kitappa Store, Mayiladuthurai, without getting any permission. Hence, the respondent Police registered



an FIR in Crime No.182 of 2018 for the offences under Sections 143, 341 of IPC.

3. The learned counsel for the petitioner submitted that the petitioner is not aware about the registration of the First Information Report against him. Though he was very much available in his address, the petitioner was not called for enquiry. When the petitioner applied for passport, at that time, the Passport Authority hold his application stating that First Information Report is pending against him. Thereafter, the petitioner verified the same and came to know about this case.

4. The learned counsel further submitted that the offences alleged against the petitioner are punishable with imprisonment for a maximum period of six months. Though the case has been registered against the petitioner in the year 2018, the final report has not yet been filed by the respondent Police till date and that there is a specific bar under Section 468 of Cr.P.C. for the Magistrate to take cognizance of the offence beyond the period of limitation. In support of the above contention, the petitioner relied upon the judgment of this Court in the case of T.Balaji Krishnasamy vs. Inspector of Police reported in 2018 SCC Online Mad 8852.

5. The learned Additional Public Prosecutor submitted that on receiving the complaint, the respondent Police has registered the complaint on 20.03.2018 in Crime No.182 of 2018 for the offences under Sections 143, 341 of IPC. He would further submit after complete investigation, the respondent is ready to file final report.

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

7. On perusal of the charges levelled against the petitioner, it is seen that the offences are punishable with imprisonment for a period less than six months. The case has been registered on 20.03.2018 and till date the final report has not been filed before the Court below. There is a specific bar under Section 468 (1) (2) (c) Cr.P.C. for taking cognizance after lapse of period of limitation and the learned Magistrate is barred from taking cognizance unless the respondent shows reasonable cause. No reason has been assigned by the respondent Police to explain or condone the delay in filing the final report. In view of the same, the learned Judicial Magistrate cannot take cognizance and there is no purpose in keeping the First Information Report pending.



8. In view of the above and placing reliance on the judgment stated above, FIR in Crime No.182 of 2018, on the file of the first respondent is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District,
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.6160

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&
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SB/01/03/2022