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CrI.O.P.No.23188 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.23188 of 2022

and

CrI.M.P.No.14837 of 2022

1. Muruthala @ Mr.Mohamed Muruthala

2. Sailudeen @ Mohamed Saheruthdeen

3. Abdul Hi @ Abdul Heai

... Petitioners

/vs/

State rep. by its
The Sub Inspector of Police,
Thittachery Police Station,
Nagapattinam.
(Cr.No.405 of 2020)

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to Cr.No.405 of 2020 on the file of the respondent and quash the same as illegal and without jurisdiction.

For Petitioners

... Mr. I.Abdul Basith

For Respondent

... Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.405 of 2020 on the file of the respondent police.

2. The learned counsel appearing for the petitioners would submit that a case in Crime No.405 of 2020 has been registered against the petitioners for the offences under Sections 341, 188 and 269 of IPC. As on date, the respondent police has not filed final report. Since all the offences are punishable below one year, it is barred by limitation and it has to be quashed on the ground of limitation.

3. The learned Additional Public Prosecutor appearing for the respondent conceded that in this case, final report has not been filed so far.

4. I have considered the submissions made on either side and perused the materials available on records carefully.

5. On a perusal of the First Information Report, it is seen that the respondent police has registered the case in Crime No.405 of 2020 on 16.05.2020 against the petitioner for the offences under Sections 341, 188 and 269 of IPC. Admittedly, all the offences are punishable below the



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period of one year and so far final report has not been filed. As per Section 468(2-b) Cr.P.C., the offences are barred by limitation and hence, no court has power to take cognizance beyond the period of limitation.

6. Accordingly, this Criminal Original Petition is allowed and the case registered in Crime No.405 of 2020 for the offences under Sections 341,188 and 269 of IPC is hereby quashed. Consequently, connected miscellaneous petition is closed.

26.09.2022

mrp

To

1. The Sub Inspector of Police,
Thittachery Police Station,
Nagapattinam.

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

mrp

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