



Crl.O.P.No.26060 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.26060 of 2022

and

Crl.M.P.No.16072 of 2022

D.Karthikeyan

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram.

2.Easudass

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the FIR in Crime No.2 of 2020 dated 08.01.2020 on the file of the
first respondent police and quash the same.



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For Petitioner : Mr.S.Mothilal Nehru

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 2 of 2020 pending on the file of the first respondent for the offences punishable under Sections 341 & 143 of IPC.

2.The learned counsel for the Petitioner submitted that the offences under Section 341 & 143 of IPC are punishable below one year and the limitation is one year to file final report. Since the police has not filed the final report within the statutory period of limitation, it is barred by limitation and it has to be quashed. Hence, the present petition has been filed.

3.The learned Government Advocate (Crl.Side) has objected to quash the FIR in Crime No. 2 of 2020 and submitted that though they have filed the Final Report before learned Judicial Magistrate, Sriperumbudur, the same has not been taken on file.



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4.I have considered the matter in the light of the submission made by the the learned counsel appearing for the petitioner, as well as the learned Government Advocate (Crl.Side) appearing for the first respondent.

5.On perusal of the records, it is seen that the Respondent Police has registered a case in Crime No. 2 of 2020 on 08.01.2020 against the petitioner for the offences punishable under Sections 341 & 143 of IPC. Admittedly, all the offences are punishable below one year. Though the learned Government Advocate (Crl.side) submitted that the final report has been filed before the concerned jurisdictional Magistrate, copy application filed by the petitioner has been returned on 14.09.2022 with an endorsement that accused are absconding.

6.Under these circumstances, it is made clear that the final report has not been filed in Crime No. 2 of 2020 before the concerned Jurisdictional Magistrate, within a period of limitation. Since all the offences are punishable below one year, it is the case of statutory barred by limitations. No Court is having power to take cognizance beyond the period of limitation.



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V.SIVAGNANAM,J.

shk

7. Accordingly, the Criminal Original Petition is allowed and the case registered in Crime No. 2 of 2020 on 08.01.2020 for the offences punishable under Sections 341 & 143 of IPC, by the first Respondent, is hereby quashed as barred by limitation. Consequently, connected Criminal Miscellaneous Petition is closed.

31.10.2022

Internet: Yes/No

Index: Yes/No

Speaking/Non speaking order

shk

To

1. The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram.
2. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.26060 of 2022
and
CrI.M.P.No.16072 of 2022