



CrI.O.P.No.23614 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.23614 of 2022
and CrI.M.P.No.15057 of 2022

K.Manoharan
S/o Krishnan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Pallavaram Police Station,
South Chennai
Chennai.

2.R.Ganesan
S/o Ramasamy

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in connection with Crime No.271/m-2/2014 of 2014 on the file of the respondent police and quash the same.

For Petitioner	:	Mr.K.Prabhakaran
For R1	:	Mr.S.Santhosh Govt. Advocate (CrI. Side)



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ORDER

This petition has been filed to quash the FIR in Crime No.271/m-2/2014 of 2014 on the file of the respondent police.

2.The learned counsel for the petitioner submitted that based on the complaint given by the defacto complainant, the respondent police registered a case in Crime No.271/m-2/2014 of 2014, for the offences punishable under Sections 279 and 304 (A) IPC. So far, the respondent police has not filed the final report. Since both the offences are punishable below 2 years and it is barred by limitation, the learned counsel for the petitioner prayed to quash the FIR in Crime No.271/m-2/2014 of 2014.

3.The learned Government Advocate (Crl.Side) would submit that the respondent police has not filed final report.

4.I have heard the submissions made by 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.271/m-2/2014 of 2014 on 16.05.2014 against



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the petitioner for the offences punishable under Sections 279 and 304 (A)

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IPC. Admittedly, all the offences are punishable below two years.

6.Under these circumstances, it is made clear that the final report has not been filed in Crime No.271/m-2/2014 of 2014 before the concerned Jurisdictional Magistrate, within a period of limitation. Since all the offences are punishable below two years, it is the case of statutory barred by limitations. No Court is having power to take cognizance beyond the period of limitation.

7.Accordingly, the Criminal Original Petition is allowed and the case registered in Crime No.271/m-2/2014 of 2014 on 16.05.2014 for the offences punishable under Sections 279 and 304 (A) IPC, by the respondent police, is hereby quashed as barred by limitation. Consequently connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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To

1.The Sub Inspector of Police,
Pallavaram Police Station,
South Chennai
Chennai.

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM, J.

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