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CrI.O.P.No.25001 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.O.P.No.25001 of 2022 &
CrI.M.P.Nos.15612 and 15613 of 2022

1. S. Vinoth Kumar
2. P. Karthikeyan
3. P. Anand

... Petitioners

Vs.

1. The State of Tamil Nadu,
represented by the Inspector of Police,
Kaveripakkam Police Station,
Arakkonam Taluk, Vellore District,
at present Nemili Taluk,
Ranipet District.

2. Mrs. Sarala

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the records pertaining to the impugned charge sheet in

C.C.No.18 of 2022 on the learned District Munsif cum Judicial Magistrate

No.1, Walajapet and quash the same.

For Petitioner : Mr. P. Solomon

For Respondent : Mr. S. Santhosh, GA (crl.side) for R1



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ORDER

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This Criminal Original Petition has been filed to quash the final report in C.C.No.18 of 2022 on the file of the learned District Munsif cum Judicial Magistrate No.1, Walajapet filed under sections 294, 323 and 506 IPC.

2. The crux of the allegation in the FIR indicates that the defacto complainant's husband, while riding his two wheeler, hit the 1st accused one Vinoth Kumar, who came in an opposite direction. On the result of the accident, the defacto complainant's husband had sustained simple injury. Thereafter the petitioners/A1 to A3 along with other accused went to the defacto complainant's house and while questioning about the occurrence, the 1st accused slapped the defacto complainant's husband and also threatened her with dire consequences. Hence the defacto complainant/2nd respondent lodged a complaint before the 1st respondent police on 27.10.2013. Based on the complaint, the respondent police had registered a case in Crime No.1031 of 2013 for the offences under sections 294, 323 and 506 IPC.

3. The learned counsel for the petitioners would submit that the



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alleged accident is said to have been occurred on 27.10.2013, whereas the final report had been filed only in the year 2022, which was taken on file without any application filed by the prosecution. He would further submit that the Court should not have taken cognizance of offence under section 468(2) of Cr.P.C., which is barred by limitation.

4. The learned Government Advocate (crl.side) for the 1st respondent would submit that final report has been filed on 21.04.2022. He would further submit that no application have been filed under section 473 of Cr.P.C.

5. Heard the learned counsel for petitioners and learned Government Advocate (crl.side) for the 1st respondent and perused the materials available on record.

6. On perusal of the above facts and circumstances, it is relevant to refer Section 468 of Cr.P.C., which makes it clear that except as otherwise provided elsewhere in the Code, no Court shall take cognizance of an offences of the category specified in sub-section (2), after expiry of period of limitation. Further, it is also relevant to refer section 473 of Cr.P.C., non-substantive provision, which states that even after the expiry of the



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period of limitation, the court can take cognizance provided the delay has been properly explained or that is necessary to do so in the interests of justice. It is seen that no petition has been filed and it also appears that the trial court has not passed an order invoking power under section 473 of Cr.P.C.

7. In such view of the matter, taking cognizance of offence by the trial court is barred by limitation. Hence the same is liable to be quashed. Accordingly, the proceedings in C.C.No.18 of 2022 on the file of the learned District Munsif cum Judicial Magistrate No.1, Walajapet is quashed. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

17.10.2022

Internet:Yes

Index:Yes/No

msr

To:

1. The District Munsif cum Judicial Magistrate No.1, Walajapet.
2. The Inspector of Police, Kaveripakkam Police Station, Arakonam Taluk, Vellore District. At present Nemili Taluk, Ranipet District.
3. The Public Prosecutor, High Court of Madras.



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V.SIVAGNANAM, J.

msr

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