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Crl.OP.No.24109 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.24109 of 2022

1. S.Ayyappan
2.G.Gunasekaran

... Petitioners

Vs.

1. State rep by:
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai - 600 066.
Crime No.604 of 2018

2. Mohamed Musthafa Baig
Jailor(In charge)
Central Prison-I, Puzhal,
Chennai-600 066.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C.,
prayed to call for the entire records connected with the F.I.R. in Crime No.604 of
2018, on the file of the first respondent Police herein and to quash the same.

For Petitioner : Mr.K.Kannan

For Respondent 1 : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.604 of 2018 on the file of the first respondent Police.

2. The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2 in Crime No.604 of 2018 for the offence punishable under Section 42 of Prisons Act, 1894. He would further submit that the offence is punishable with imprisonment for a term not exceeding one year, but the respondent police had not filed the final report till date. Therefore, it is barred by limitation under Section 468 of Cr.P.C. Hence, he seeks to quash the FIR in Crime.No.604 of 2018 on the file of the first respondent police.

3. The learned Government Advocate (Crl.side) would submit that the investigation has been completed and final report in this case is yet to be filed.



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4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on records.

5. On perusal of the records, it reveals that the respondent police has registered a case in Crime No.604 of 2018 on 20.09.2018 against the petitioners for the offences under Section 42 of Prisons Act, 1894. Admittedly, the case has been registered on 20.09.2018 but till date, the respondent police had not filed the final report for the offence under Section 42 of Prisons Act, 1894 which is punishable for imprisonment for a term not exceeding one year.

6. Under these circumstances, it is made clear that the final report has not been filed in Crime No.604 of 2018 before the concerned Jurisdictional Magistrate, within a period of limitation. Since the offence is 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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7. Accordingly, the Criminal Original Petition is allowed and the case registered in Crime No.604 of 2018 on 20.09.2018 for the offences punishable under Section 42 of Prisons Act, 1894 by the Respondent Police, is hereby quashed as barred by limitation.

10.10.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
nr

To

1. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai - 600 066.
2. The Public Prosecutor
High Court, Madras

V.SIVAGNANAM,J.

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