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Crl.O.P.No.27299 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.27299 of 2022

Prasanth.P

...Petitioner

Vs.

The State rep. by
the Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur District.
(Crime No.571 of 2017)

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pursuant to the FIR in Crime No.571 of 2017 on the file of the respondent and quash the same by allowing this Criminal Original Petition so far as petitioner is concern.

For Petitioner : Mrs.V.Lakshmi

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the entire records pursuant to the FIR in Crime No.571 of 2017, dated 20.09.2017, on the file of the respondent.



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2. The case in Crime No.571 of 2017, was registered by the respondent Police against the petitioner and two others for the offences under Sections 294 (b) of I.P.C., and Section 7 (1)(a) of the Criminal Law Amendment Act, 2005 on the allegation that on 20.09.2017, when the respondent Police engaged in Patrolling, the petitioner and two others were abusing the bypassers in filthy language and causing disturbance to the general public.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. During the course of investigation, it is learnt that the alteration report has been filed by altering the charges to Section 294 (b) of I.P.C., only and excluding the Charge under Section 7(1)(a) of the Criminal Law Amendment Act, 2005. The alteration report is said to have been sent to the Court concerned as early as on 23.10.2017. But so far charge sheet has not been filed. The maximum punishment for the offence under Section 294 (b) of I.P.C. Is for an imprisonment which may extend to three months or with fine, or with both.

5. In view of Section 468 of Cr.P.C., the case itself barred by



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limitation, due to the failure on the part of the respondent Police to file the charge sheet. No useful purpose is going to be served, by keeping the case pending. Hence I feel further proceedings should be stopped by quashing the FIR.

6. In the result, this Criminal Original Petition is allowed. The FIR in Crime No.571 of 2017 on the file of the respondent Police is hereby quashed as against the petitioner.

09.11.2022

vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

vum

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