



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.1576 of 2022

and

Cr.M.P(MD)No.1138 of 2022

Aboothahir

... Petitioner/Accused No.4

Vs.

1.The State represented by
The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.
(Crime No.566 of 2013)

... 1st respondent/Complainant

2.Sundararajan

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.566 of 2013 on the file of the first respondent and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.M.Sakthi Kumar

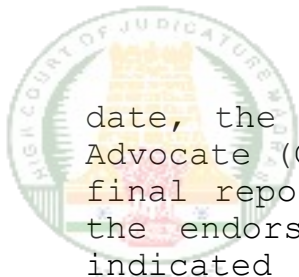
Government Advocate (CrI.Side) for R.1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. The petitioner along with others are said to have assembled outside the TASMAL liquor outlet and caused damage worth around Rs.2,000/- (Rupees Two Thousand only). The first respondent registered a case in Crime No.566 of 2013 on 02.08.2013 for the offences under Sections 147, 448, 294(b), 353, 427 and 506(1) IPC.

3. In normal circumstances, I would not have quashed the impugned FIR, since the allegation is pelting of stones and causing of damage to articles. But then, as rightly pointed out by the learned counsel for the petitioner, the final report ought to have been filed on 01.08.2015. Even though 7 years have elapsed, till



date, the final report has not been filed. The learned Government Advocate (Criminal Side) disputed the statement and claimed that the final report was filed wayback in the year 2013 itself. But then, the endorsement of return made by the Court below on 22.11.2021 indicated that till date, the final report has not been filed. I, therefore, must proceed on premise that charge sheet has not been filed. In such an event, I can very well invoke Section 468 Cr.P.C. Of course, even after the expiry of the limitation period, the police can file final report and the Court can take cognizance of the offences by condoning the delay under Section 473 Cr.P.C. For doing so, the prosecution must come out with sufficient cause. But in this case, no such cause is forth coming. I, therefore, feel it appropriate to terminate the prosecution. The impugned FIR is quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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