



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.2508 of 2022

and Crl.M.P(MD) No.1875 of 2022

WEB COPY

Kalaiyarasu Kannan

... Petitioner/ Sole Accused

Vs.

The Inspector of Police
Anna Nagar Police Station,
Madurai

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned FIR in Crime No.1409 of 2019 dated 28.10.2019 on the file of the respondent police and quash the same as illegal.

For Petitioner

: Mr.R.Srinivasan

For Respondent

: Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 1409 of 2019

2. The case of the prosecution is that while the respondent police was on patrol duty on 28.10.2019 at about 11.00 pm., while he was going on patrol duty near Mattuthavani MGR bus stand , at that time one Kalaiyarasu Kannan was found mis behaving in an indecent manner and also using unparliamentary words by causing breach of public peace and also causing hindrance to the traffic inspite of the warning given by the respondent police, hence the respondent police arrested him and a case came to be registered in Crime No. 1409 of 2019 for the offence under Section 75 of Tamil Nadu City Police Act, 1888.

3. Admittedly even today the respondent police has not completed the investigation and filed the final report. The only ground raised by the petitioner is that under Section 468 of Cr.P.C, the period of limitation for fililng the final report is also over, as such the First Information Report cannot be sustained. Section 468 of Cr.P.C is extracted hereunder:

"468.Bar to taking cognizance after lapse of the period of limitation.

(1)Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-Sectin (2), after the expiry of the period of limitation.

(2)The period of limitation shall be



(a) six months, if the offence is punishable with fine only.

(b) One year, if the offence is punishable with imprisonment for a term not exceeding one year.

(c) three years, if the offence is punishable with imprisonment for term exceeding one year but not exceeding three years.

(3) For the purposes of this Section, the period of limitation in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment. "

4. The case has been registered on 28.10.2019. As per Section 468 of Cr.P.C the final report after investigation must have been filed within a period of one year. The respondent has also not stated any reason for not filing the complaint before the concerned Court till date. While such being so, the Court cannot take cognizance of the complaint after a period of one year. No purpose will be served by allowing the case in Crime No. 1409 of 2019 to be kept pending.

5. In view of the same, the proceedings in Crime No.1409 of 2019 is quashed. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Anna Nagar Police Station, Madurai

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-4931[F] dated 09/02/2022)
Crl.O.P.(MD)No.2508 of 2022
07.02.2022

_RD(18.02.2022) 2P 4C