



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

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

CRL OP(MD) . No.1446 of 2020

&

CRL MP(MD) . No.659 of 2020

WEB COPY

Panneerselvam

... Petitioner

Vs

1. The state represented by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(Crime No.208 of 2014)

2. Chockalingam

... Respondents

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records in FIR in Crime No.208/2014 dated 20.10.2014 on the file of the 1st Respondent Police in respect of the petitioner and quash the same.

For Petitioners : Mr.M.Ramu

For Respondent : Mr.B.Thanga Aravindh

R1 Government Advocate (Criminal Side)

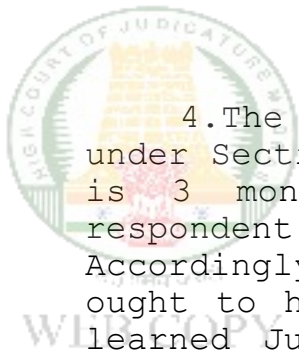
R2 : Died

ORDER

The Criminal Original Petition has been filed to quash the FIR in Cr.No.208 of 2014, on the file of the first respondent.

2.The case of the prosecution is that on the complaint lodged by the second respondent alleging that on 12.10.2014, when the petitioner is cleaning the land, behind the second respondent's house, the second respondent scolded him with filthy language, attacked him with arrival. Therefore, the second respondent sustained injury and lodged the complaint. On receipt of the same, the first respondent registered a case in Crime No.208 of 2014, for the offences punishable under Section 294(b), 324 IPC.

3.The FIR was registered on 12.10.2014. Though, the learned Government Advocate (Crl.Side) submitted that the final report was filed before the concerned Court on 10.01.2015, the same was not been taken on file. The provision under Section 468 Cr.P.C mandates that no Court shall take cognizance of the complaint beyond the limitation period prescribed therein.



4.The case has been registered for the offences punishable under Sections 294(b), 324 IPC and the maximum punishment prescribed is 3 months and 3 years respectively. Therefore, the first respondent ought to have file final report within 60 days. Accordingly, within the period of one year, the first respondent ought to have file a final report. Beyond period of one year, the learned Judicial Magistrate cannot take cognizance, on the final report filed by the first respondent.

5.In view of the above, pendency of the FIR in Crime No.208 of 2014, would not serve any purpose and it is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the impugned FIR in Crime No.208 of 2014, on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
Keeranur Police Station,
Pudukkottai District.

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

+1 CC to M/s.M.RAMU, Advocate (SR-13950[F] dated 23/03/2022)

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&

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Date : 22/03/2022

KG (CO)

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