



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2236 of 2022

and

Crl.M.P(MD)No.1640 of 2022

M.Raj Bharath @ Ala M.Raj Bharath

... Petitioner/  
Accused No.1

Vs.

1.The State represented by,  
The Inspector of Police,  
Thiruppachethi Police Station,  
Sivagangai District.  
(Crime No.140 of 2019)

... 1<sup>st</sup> Respondent/  
Complainant

2.Mr.Muniyasamy,  
The Sub-Inspector of Police,  
Thiruppachethi Police Station,  
Sivagangai District.

... 2<sup>nd</sup> Respondent/  
Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.140 of 2019 on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.B.Thanga Aravindh

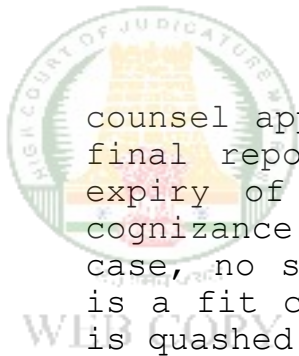
Government Advocate (Crl.Side) for R.1

**ORDER**

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

2. The petitioner is figured as accused in Crime No.140 of 2019 registered on the file of Thiruppachethi Police Station for the offence under Section 4(B) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3. The case of the prosecution is that the accused have pasted posters on the wall of the local Ration Shop. The FIR was registered on 21.12.2019. The final report should have been filed on or before 20.12.2020. As rightly pointed out by the learned



counsel appearing for the petitioner, the limitation for filing the final report in this case has already expired. Even after the expiry of the limitation period, final report can be filed and cognizance can be taken, provided the delay is explained. In this case, no such explanation is forthcoming. I am of the view that it is a fit case for invoking Section 468 Cr.P.C. The impugned FIR is quashed.

4. 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 (AE)

// 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,  
Thiruppachethi Police Station,  
Sivagangai District.
- 2.The Sub-Inspector of Police,  
Thiruppachethi Police Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.P.RANJITHRAJA, Advocate ( SR-4049[F] dated 03/02/2022 )  
Crl.O.P(MD)No.2236 of 2022  
and  
Crl.M.P(MD)No.1640 of 2022  
**03.02.2022**

MGJ(24.02.2022) 2P 5C