



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.2239 of 2022

and

Crl.M.P (MD) No.1642 of 2022

Rajasekar

... Petitioner/Accused No.2

Vs.

1.State Rep.by

The Inspector of Police,
Vathalai Police Station,
Trichy District.
(Crime No.847 of 2020)

... 1st Respondent/Complainant

2.M.Rajendran,

The Sub-Inspector of Police,
Vathalai Police Station,
Trichy District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.847 of 2020 on the file of the first respondent police and quash the same as against the petitioner/Accused No.2.

For Petitioner : Mr.M.Jegadeesh Pandian, Advocate

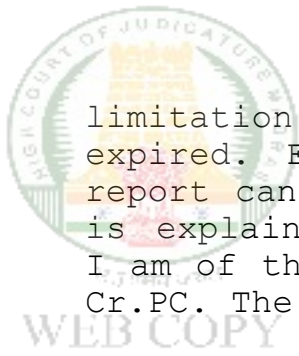
For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side) for R1

ORDER

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

2.The petitioner is figuring as an accused in Crime No.847 of 2020 registered on the file of the first respondent for the offences under Sections 143, 269 and 289 IPC and Section 11 (1)(a) of Prevention of Cruelty to Animals Act, 1960. There is nothing on record to show that the accused were suffering from infectious disease or continued to its spread. Hence, Section 269 of IPC could not have been invoked against the accused. Section 289 of IPC can be invoked if the accused had conducted themselves in a negligent manner and there is danger to human life from the animal. Section 11 (1)(a) of the Prevention of Cruelty to Animals Act, 1960 is about causing cruelty to the animal. Both cannot go together. The final report should have been filed on or before 30.05.2021. 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 of Cr.PC. The impugned FIR is quashed.

3.This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (A.D II)

// 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,
Vathalai Police Station,
Trichy District.

2.The Sub-Inspector of Police,
Vathalai Police Station,
Trichy District.

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

+1 CC to M/s.M.JAGADEESH PANDIAN, Advocate (SR-4583[F] dated 07/02/2022)

**CrI.O.P (MD)No.2239 of 2022
and
CrI.M.P (MD)No.1642 of 2022
03.02.2022**

RS (08.02.2022) 2P-5C