



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.6501 of 2022

and

CrI.M.P(M D) No.4508 of 2022

WEB COPY

Sooriya Prakash

... Petitioner

Vs

1.The State Represented by its,
The Inspector of Police,
Thiru Mangalam Town Police Station,
Madurai District.
(Crime No.272 of 2018)

2.Sangreshwari

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in relating to the impugned FIR in Crime No.272 of 2018 on the file of the first respondent police and to quash the same.

For Petitioner : Mr.M.S.Jeyakarthick

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.272 of 2018 on the file of the first respondent police.

2.The learned counsel for the petitioner submitted that the case in Crime No.272 of 2018 has been registered against the petitioner for the offence under Sections 279 and 337 of IPC, in connection with the accident occurred on 03.06.2018, nearby Thirumangalam Government Hospital. The case has been registered on 08.06.2018, i.e six days after the alleged occurrence. The respondent police have not completed the investigation and not filed the final report within a period of one year as prescribed under Section 468 of Cr.P.C. Hence, the First Information Report has to be quashed.

3.The learned Additional Public Prosecutor for the respondent police submitted that the case has been registered under Sections 279 and 337 of IPC alone. He fairly conceded that the punishment



for these offences is only six months and charge sheet has not been filed before the trial Court so far, but the investigation has been completed and the charge sheet is ready for filing.

4.I have considered the matter in the light of the submissions made by the learned counsel for the parties.

5.Admittedly, the accident took place on 03.06.2018 at about 13 hours. For this occurrence, a case has been registered in Crime No.272 of 2018 on 08.06.2018 under Sections 279 and 337 of IPC by the first respondent. On perusal of records, it is seen that the the petitioner's counsel filed a memo seeking certified copy of the charge sheet before the Judicial Magistrate Court, Madurai. The said copy application was returned by learned Judicial Magistrate on 11.03.2022 stating that charge sheet not yet filed. Thereafter, the petitioner filed an application before the Judicial Magistrate Court, Madurai, on 17.03.2022 to close the FIR. It is seen from the endorsement made by the Court that the petition was taken up by the learned Judicial Magistrate on 17.03.2022 and the same was returned on the ground of maintainability. So, it is clear that charge sheet has not been filed by the respondent police till 11.03.2022.

6.In view of the above observation, it is made clear that investigation has not been completed and charge sheet has not been filed within a period of one year as contemplated under Section 468 (b) of Cr.P.C. Therefore, the case is barred by limitation and the FIR registered against the petitioner is liable to be quashed. Accordingly, the impugned FIR in Crime No.272 of 2018 on the file of the first respondent police is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Admn.I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

cp

To

1.The Judicial Magistrate,
Madurai.



2.The Inspector of Police,
Thiru Mangalam Town Police Station,
Madurai District.

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

+1 CC to M/s.M.S.JEYAKARTHICK, Advocate (SR-24829[F] dated
09/06/2022)

ORDER IN
CRL.O.P (MD) No.6501 of 2022
and
CrI.M.P(M D) No.4508 of 2022
09.06.2022

_SS(24/06/2022) 3P 5C