



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.8035 of 2022

and

Crl.M.P(MD)No.5438 of 2022

Sathiskumar

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Karimedu Police Station
Karimedu,
Madurai District.
(Crime No.845/2019).

... 1st Respondent/Complainant

2.Kasimayan,
The Special-Sub Inspector of Police-767,
Karimedu Police Station,
Karimedu, Madurai District.

... 2nd Respondent/Defacto
Complainant

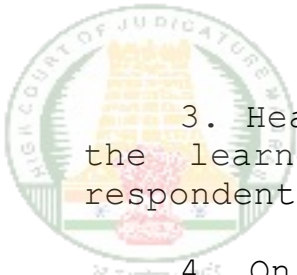
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the First Information Report in Crime No.845/2019 on the file of the first respondent police and quash the same as illegal as against the petitioner/accused.

For Petitioner	: Mr.M.Palani
For Respondents	: Mr.B.Thanga Aravindh Government Advocate(Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.845/2019 on the file of the first respondent police.

2. The case of the prosecution is that during the respondents' regular checkup, the petitioner made hindrance to the public and as such, the respondent police warned him, but he did not considered his words. Hence, the second respondent lodged a complaint before the first respondent. Therefore, an FIR had been registered in Crime No.845/2019 on the file of the first respondent police.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the offence under Section 75 of the Tamil Nadu City Police Act, 1888, is punishable with imprisonment for a period not exceeding six months. Therefore, when the limitation for the filing of charge-sheet is already over as contemplated under Section 468 Cr.P.C. even today, it is pending without completing investigation. Further, there is no explanation from the first respondent for non filing of the charge-sheet within a time. So far the first respondent failed to examine even a single witness from the general public and all the allegations are bald and vague in nature.

5. In view of the above, the complaint cannot be sustained as against the petitioner, as the FIR has no legs to stand and it is liable to be quashed. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.845/2019 on the file of the first respondent police, is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lr

To

1. The Inspector of Police,
Karimedu Police Station
Karimedu, Madurai District.
2. The Special-Sub Inspector of Police-767,
Karimedu Police Station,
Karimedu, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M. PALANI, Advocate (SR-22164[F] dated 28/04/2022)

Crl.O.P.(MD).No.8035 of 2022

28.04.2022