



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V. SIVAGNANAM**

Crl.O.P.(MD) No.8501 of 2022

S.Manoj Kumar

... Petitioner/ Accused No.3

Vs

1. State By:

The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.321/2018).

... Respondent No.1/ Complainant

2. Nagaraj

... Respondent No.2/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the case in Crime No.321/2018, pending on the file of the first respondent and quash the same as against the petitioner/Accused No.3.

For Petitioner : M/s.Rajan G,

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.321/2018, pending on the file of the first respondent, as against the petitioner.

2.The learned Counsel appearing for the petitioner submitted that the FIR in Crime No.321 of 2018 had been registered as against the petitioner and 2 others, under Sections 294(b), 323, 324, 506(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992. He insisted on the ground that all the offences except Section 506(2) of IPC are punishable not exceeding three years. Further, he stated that the case had been registered in the year 2018, so far the respondent police has not filed final report before the concerned Judicial Magistrate Court and it is barred by limitations.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that there is a specific allegation against the petitioner and he was involved in this case. Even though, the property, which was damaged by the accused persons, is a private property, there is a specific overt act against the



petitioner. Hence, the FIR cannot be quashed.

4.On a perusal of records, it is seen that the case has been registered on 06.08.2018, in Crime No. 321/2018 under Sections 294 (b), 323, 324, 506(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992. Further, on perusing the FIR, it is seen that there is a specific allegation attributed against the petitioner, namely S.Manoj Kumar.

5.With regard to limitations, Section 506(2) of IPC is punishable with imprisonment for seven years or fine or both. Therefore, the arguments based on the barred limitation is unsustainable.

6.Considering the fact that there is a specific allegation and overt act attributed against the petitioner, *prima-facie* there is a case for prosecution and there is no ground for quashing the FIR. Under these circumstances, I find no merit in this criminal original petition and the same is dismissed. However, the respondent police is directed to speed up the investigation and file final report before the concerned Judicial Magistrate Court.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1.The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.

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

+1 CC to M/s.G.RAJAN, Advocate (SR-24522[F] dated 08/06/2022)

Crl.O.P.(MD) No.8501 of 2022
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RD(14.06.2022) 2P 4C