



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10384 of 2022

and

CrI.M.P (MD) No.6489 of 2022

WEB COPY

Sangar Ganesh

...Petitioner/29th Accused

Vs.

1.State rep. by

The Inspector of Police,
Alangudi Police Station,
Pudukottai District.
(Cr.No.148 of 2018)

...1st Respondent/Complainant

2.Vaithiyanaathan

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with Cr.No.148 of 2018 on the file of the first respondent police and quash the FIR insofar as the petitioner is concerned.

For Petitioner : Mr.S.Poornachandran

For Respondents : Mr.M.Sakthikumar

Government Advocate (CrI.side)

ORDER

This petition has been filed to quash the FIR in Cr.No.148 of 2018 on the file of the first respondent police insofar as the petitioner is concerned.

2.The learned counsel for the petitioner submitted that a case has been registered against the petitioner for the offences under Sections 143 and 188 IPC. Both the offences are punishable below six months. The case has been registered on 10.09.2018, but investigation has not been completed so far and final report has not been filed and it is barred by limitation. The respondent cannot prosecute the petitioner and hence, he seeks this Court to quash the proceedings.

3.The learned Government Advocate (CrI.side) appearing for the respondent police conceded that the offences against the petitioner is only under Sections 142 and 188 of IPC and the case has been registered in Cr.No.148 of 2018 on 10.09.2018 and so far final report has not been filed.



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

5. Admittedly, the case was registered in Cr.No.148 of 2018 for the offences under Sections 143 and 188 of IPC on 10.09.2018. For offence under Section 143 of IPC, shall be punished with imprisonment for 6 months, or with fine, or with both and for offence under Section 188 of IPC, shall be punished with Simple imprisonment for 6 months, or fine of Rs.500 rupees, or both. As per Section 468 of Cr.P.C., final report has to be filed within one year. But prosecution failed to file a final report. Under these circumstances, the petitioner has filed this petition to quash the FIR. Therefore, for the failure of the prosecution to complete the investigation within a period of one year, the offence against the petitioner is hit by Section 468 Cr.P.C. Therefore, the final report cannot sustain and the FIR is liable to be quashed.

6. Accordingly, the F.I.R, in Crime No.148 of 2018, on the file of the first respondent, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

1. The Inspector of Police,
Alangudi Police Station,
Pudukottai District.

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

+1 CC to M/s.S. POORNACHANDRAN, Advocate (SR-25521[F]
dated 14/06/2022)

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and
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KB(30.06.2022) 2P 4C