



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

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

Crl.O.P. (MD) No.10878 of 2022

WEB COPY

Kannan

...Petitioner/Accused No.20

Vs.

1.State rep. by
The Inspector of Police,
Balamedu Police Station,
Madurai District.
(Crime No.105 of 2016)

...1st Respondent/Complainant

2.Rameshkumar

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in Crime No.105 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner	:	Mr. B.Arun
For R1	:	Mr.M.Sakthi Kumar
		Government Advocate (Crl. Side)

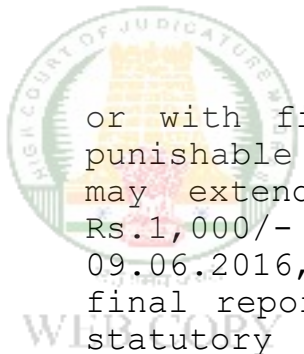
ORDER

This Criminal Original Petition is filed to call for the records pertaining to the case in Crime No.105 of 2016 on the file of the 1st respondent police and quash the same.

2. The learned counsel appearing for the petitioner submitted that the a case has been registered against the petitioner in Crime No.105 of 2016 for the offences under Sections 143 and 188 IPC on 09.06.2016 on the file of the 1st respondent police. But, so far investigation is not completed and the final report not yet filed. It is barred by limitation and that the petitioner could not be prosecuted beyond the limitation period and seeks to quash the First Information Report.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that in this case investigation has been completed and the final report filed, but not taken on file by the Judicial Magistrate concerned.

4. On perusal of the records it is seen that a case has been registered against the petitioner in Crime No.105 of 2016 for the offence under Sections 143 and 188 IPC by the 1st respondent police. Section 143 IPC is punishable with imprisonment six months,



or with fine, or with fine, or with both. Section 188 IPC is punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to Rs.1,000/- or with both. The case has been registered on 09.06.2016, but, so far, case has not been taken cognizance and the final report is not yet taken on file. Therefore, it is a case of statutory bar of limitation under Section 468 Cr.P.C., The petitioner cannot be prosecuted beyond the period of limitation. Hence, the prosecution is liable to be quashed. Hence, the case registered against the petitioner in Crime No.105 of 2016 is hereby quashed.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

trp

To

1. The Inspector of Police,
Balamedu Police Station,
Madurai District.

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

+1 CC to M/s.B. ARUN, Advocate (SR-27115[F] dated 21/06/2022)

Crl.O.P.(MD) No.10878 of 2022

20.06.2022

KG(CO)

GC(27.06.2022) 2P 4C