



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10443 of 2022

and

CrI.M.P (MD) No.6524 of 2022

Sivakumar

...Petitioner/Sole Accused

Vs.

1.State through

The Sub Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.

(Cr.No.237 of 2019) ...1st Respondent/Complainant

2.Prabhu

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR in Cr.No.237 of 2019 dated 28.06.2019 on the file of the first respondent police and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Thirunavukkarasu

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

ORDER

This petition has been filed to quash the FIR in Cr.No.237 of 2019 dated 28.06.2019 on the file of the first respondent police

2.The learned Government Advocate (Crl.side) appearing for the respondent police conceded that in Cr.No.237 of 2019 investigation has been completed and charge sheet has also been filed before the learned Judicial Magistrate No.2, Virudhunagar on 23.07.2019 but it is yet to be taken on file by the Court.

3.The learned counsel for the petitioner submitted that he has filed a copy application before the learned Judicial Magistrate No.2, Virudhunagar for getting final report. But the learned Magistrate returned the the copy application on 06.06.2022 with an endorsement that ''final report not filed''.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate



(criminal side) appearing for the respondent police.

5. On perusal of records, it is seen that the case has been registered against the petitioner on 28.06.2019 in Cr.No.237 of 2019 for the offences punishable under Section 279 and 337 IPC. For offence under Section 279 IPC shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both and for the offence under Section 337 of IPC, shall be punished shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. In view of Section 468 of Cr.P.C., final report has to be filed within a period of one year. On perusal of records, it is clear that charge sheet has been filed before the learned Judicial Magistrate and it has not been taken on file within one year. So it is clearly barred by limitation under Section 468 of Cr.P.C. and it is liable to be quashed.

6. Accordingly, the F.I.R, in Cr.No.237 of 2019, 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(CS-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

vsd

To

1. The Sub Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.

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

Copy to

The Judicial Magistrate No.2, Virudhunagar

+1 CC to M/s.M. THIRUNAVUKKARASU, Advocate (SR-25632[F]
dated 14/06/2022)

CRL.O.P (MD) No.10443 of 2022

and

Cr1.M.P (MD) No.6524 of 2022

14.06.2022

kg (CO)

TR(27.06.2022) 2P 5C

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