



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11042 of 2022

and CRL.M.P. (MD) No.6976 of 2022

WEB COPY

R.V.Madasamy

... Petitioner/Accused

Vs

1. State represented by

The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.76 of 2018)

... 1st Respondent/Complainant

2. Sampath

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the proceedings of First Information Report in Crime No.76 of 2018 pending on the file of the first respondent police and quash the same in respect of the petitioner herein.

For Petitioner : Mr.G.Mariappan,
For Respondents : Mr.R.Suresh Kumar,
Government Advocate (Crl. Side) for R1

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.76 of 2018, dated 25.01.2018, on the file of the first respondent.

2.The case of the prosecution is that the petitioner and the other accused conducted agitation before Virudhunagar old bus stand without getting any proper permission. Hence, the defacto complainant, who is the Inspector of Police, lodged a complaint and for the same, an FIR had been registered in Crime No.76 of 2018, for the offences under Sections 143 and 188 IPC.

3.The learned Government Advocate (Criminal Side) submitted that investigation has already been completed, final report has been filed before the concerned Magistrate and not yet taken cognizance by the learned Magistrate.

4.The learned counsel for the petitioner submitted that the case has been registered in Crime No.76 of 2018 under Sections 143 and 188 IPC on 25.01.2018 against the petitioner. It is barred by limitation and the prosecution cannot be continue the case and the same is liable to be quashed.



5.I have considered the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

6.On perusal of the records, it is revealed that the case has been registered in Crime No.76 of 2018 on 25.01.2018 against the petitioner. So far the final report is not yet taken on cognizance by the Judicial Magistrate Court. The punishment for the offence under Section 143 IPC is for a period of six months or with fine or with both and for the offence under Section 188 IPC is simple imprisonment for a period of one month or with fine Rs.200/- or with both. So it is a case of statutory period under Section 468 Cr.P.C. and criminal proceedings cannot be continued after the period of limitation and liable to be quashed.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.76 of 2018 on the file of the first respondent police, is quashed insofar as the petitioner alone. Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csn

To

1. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

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

+1 CC to M/s.G. MARIAPPAN, Advocate (SR-27485[F] dated 22/06/2022)

ORDER IN

CRL.O.P (MD) No.11042 of 2022

22.06.2022

SB (CO)

GC (30.06.2022) 2P 4C