



Crl.O.P.(MD) No.11728 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11728 of 2022
and Crl.MP(MD)No.7391 of 2022

1. Reegan @ Reegan Thomas

2. Rathesh @ Micheal Selva Rath

... Petitioners

Vs

1. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

2. Ponmuthu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the FIR in Crime No.109 of 2017, on the file of the first respondent police.

For petitioners : Mr.R.Ilayaraja

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



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.109 of 2017, on the file of the first respondent police.

2.The learned Government Advocate (Crl.Side) submitted that a case has been registered against these petitioners in Crime No.109 of 2017, for the offences punishable under Sections 147, 294(b), 336, 323, 506(i) IPC on 18.03.2017. In this case, investigation has been completed and a final report has also been submitted before the concerned learned Judicial Magistrate and the same has not yet been taken cognizance.

3.The learned counsel appearing for the petitioners submitted that thought the first respondent Police has filed the final report before the concerned learned Magistrate, but, as on date, the same has not been taken cognizance. Therefore, taking cognizance is statutorily barred under Section 468 Cr.P.C and the FIR has to be quashed.



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4.I considered the matter in the light of the submissions made on both sides. Perusal of records reveal the fact that a case in Crime No.109 of 2017, for the offences punishable under Sections 147, 294(b), 336, 323, 506(i) IPC on 18.03.2017 has been registered. Admittedly, as on date, no cognizance has been taken by the concerned Magistrate. The date of occurrence was on 16.03.2017. The alleged offences under Sections 147, 294(b), 336, 323, 506(i) IPC are punishable as follows:

- *Section 147 IPC is punishable with an imprisonment for two years, or fine, or both.*
- *Section 294(b) IPC is punishable with an imprisonment for three months, or fine, or both.*
- *Section 336 IPC is punishable with an imprisonment for three months, or fine of Rs.250/-, or both.*
- *Section 323 IPC is punishable with an imprisonment for one year, or fine of Rs.1,000/-, or both.*
- *Section 506(i) IPC is punishable with an imprisonment for two years, or fine, or both.*



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5.From the above, as per Section 468 Cr.P.C., in this case, the final report ought to be filed within two years, from the date of occurrence ie., 16.03.2017, whereas, as on date (ie., 30.06.2022), after a lapse of five years, the concerned Magistrate has not taken cognizance. Therefore, as alleged by the learned counsel for the petitioners, this case is statutorily barred under Section 468 of Cr.P.C and it is liable to be quashed.

6.Accordingly, this Criminal Original Petition stands allowed and the FIR in Crime No.109 of 2017, on the file of the first respondent Police is quashed. Consequently, connected miscellaneous petition is closed.

30.06.2022

Internet:Yes./No
Index:Yes/no
PNM

To

1. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

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

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V.SIVAGNANAM, J.

PNM

ORDER IN
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and Crl.MP(MD)No.7391 of 2022

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