



Crl.O.P.(MD) No.12171 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12171 of 2022

and

CRL.M.P(MD) No.7695 of 2022

Kirubakaran @ Kirupa

... Petitioner

Vs

1.The Inspector of Police,
Vilampatti Police Station,
Dindigul.

2.Kumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned order of the FIR in Crime No.40 of 2020 on the file of the first respondent Police and quash the same in so far as the petitioner, who arrayed as A1 is concerned.

For Petitioner : Mr.N.Ganesh

For 1st Respondent: Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.40 of 2020 on the file of the first respondent.



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2.The learned counsel appearing for the petitioner submitted that the the case has been registered against the petitioner in Crime No.40 of 2020 on 17.03.2020, for the offence under Sections 294(b) and 323 of IPC. He further submitted that the respondent Police has not filed final report within the statutory period as prescribed under Section 468 of Cr.P.C., and the Criminal Proceedings against the petitioner is statutorily barred by limitation. Hence, he prayed to quash the criminal proceedings against the petitioner.

3.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the final report has not been filed as on date.

4.On perusal of the materials available on records, the facts reveal that the case has been registered against the petitioner in Crime No.40 of 2020, on 17.03.2020, for the offence under Sections 294(b) and 323 of IPC. The offence punishable under Sections 294(b) of IPC, is imprisonment for three months or with fine or both and 323 of IPC, is imprisonment for one year or fine of Rs.1000/- or both. The statutory period for prosecution is one year and the final report has not been filed within one year. Therefore,



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it is a case of statutorily barred for by continuing the criminal proceedings and it is liable to be quashed.

5. Accordingly, this Criminal Original Petition is allowed and as a sequel, the further criminal proceedings of the FIR in Crime No.40 of 2020, is hereby quashed as barred by limitation. Consequently, the connected criminal miscellaneous petition is closed.

07.07.2022

Internet: Yes./No

Index: Yes/no

vsg

To

1. The Inspector of Police,
Vilampatti Police Station,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsg

ORDER IN
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