



CRL.O.P (MD) No.12496 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12496 of 2022

Manavalan

...Petitioner/Accused No.1

Vs.

1.State Rep. by,
The Sub Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.16 of 2020)

...1st Respondent/Complainant

2.Sonaimuthu

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the entire records in the case in Crime No.16 of 2020 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.M.Jothi Basu

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the First Information Report in Crime No.16 of 2020 on the file of the first respondent.



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2.The learned counsel appearing for the petitioner submitted that all the offences are punishable with imprisonment of below six months and the respondent police has not filed final report within one year, hence, it is statutorily barred under Section 468 of Cr.P.C. to continue the criminal proceedings against the petitioner. Hence, he prays for quashing the proceedings.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that as on date, no charge sheet has been filed against the petitioner in Crime No.16 of 2020.

4. 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.

5.On perusal of records, it is seen that the case has been registered against the accused person in Crime No.16 of 2020 for the offences punishable under Sections 143, 341 and 188 of IPC on 08.01.2020. But, so far, charge sheet has not been filed against the petitioner. The offence under Section 143 of IPC shall be punished with imprisonment for 6 months or fine or both; the offence under Section 188 of IPC shall be punished with simple imprisonment



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for 1 month or fine of Rs.200/- or both and the offence under Section 341 of IPC shall be punished with Simple imprisonment for 1 month, or fine of Rs.500/- or both. Therefore, it is statutorily barred under Section 468 of Cr.P.C. for non-filing of final report within a period of limitation to continue the criminal proceedings. Hence, the criminal proceedings as against the accused is statutorily barred and it is liable to be quashed.

6.Accordingly, this Criminal Original Petition is allowed and the First Information Report in Crime No.16 of 2020 on the file of the first respondent, is hereby quashed as against the petitioner as it is barred by limitation under Section 468 of Cr.P.C.

12.07.2022

Index :Yes/No
Internet:Yes/No
vsd

To

- 1.The Sub Inspector of Police,
Melur Police Station,
Madurai District.
- 2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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