



CRL.O.P (MD) No.12770 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12770 of 2022

and

CrI.M.P(MD)No.8084 of 2022

R.Selvakumar

...Petitioner/Accused No.3

Vs.

The State of Tamilnadu Rep. by,
The Sub Inspector of Police,
Alangudi Police Station,
Pudukottai District.
(Crime No.87 of 2021)

...Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for records relating to the F.I.R. In Crime No.87 of 2021 on the file of the respondent and quash the same as against the petitioner is concerned.

For Petitioner : Mr.N.Kamesh
For R1 : Mr.M.Sakthikumar
Government Advocate (CrI.side)

ORDER

This petition has been filed to quash the F.I.R. in Crime No.87 of 2021 on the file of the respondent as against the petitioner.



CRL.O.P (MD) No.12770 of 2022

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2.The learned counsel appearing for the petitioner submitted that the case has been registered in Crime No.87 of 2021 for the offences punishable under Sections 143, 341, 269 and 270 IPC on 15.01.202. All the offences are punishable with imprisonment of below six months and the respondent police has not filed a final report, within the limitation period of one year and 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 the case has been registered in Crime No.87 of 2021 on 15.01.2021 for the offences punishable under Sections 143, 341, 269 and 270 IPC. But, the final report has not been filed so far and the case has not been taken on cognizance by the concerned Magistrate.

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



CRL.O.P (MD) No.12770 of 2022

5.A perusal of records shows that the case has been registered against the petitioner in Crime No.87 of 2021 on 15.01.2021 for the offences punishable under Sections 143, 341, 269 and 270 IPC. All the offences are punishable with imprisonment of below six months. As per Section 468 of Cr.P.C., final report has to be filed within one year. However, the prosecution has failed to file a final report. 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.87 of 2021 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. Consequently connected miscellaneous petition is closed.

18.07.2022

Index :Yes/No
Internet:Yes/No
vsd
To

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



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CRL.O.P (MD) No.12770 of 2022

V.SIVAGNANAM, J.

vsd

CRL.O.P (MD) No.12770 of 2022
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