



Crl.O.P.(MD) No.12558 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.12558 of 2022 and
Crl.M.P(MD).No.7957 of 2022

Karthik

...Petitioner

Vs.

1.The Inspector of Police,
Kenikarai Police Station,
Ramanthapuram District.
(Crime No.354 of 2016)

2.Rajeshwaran

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the First Information Report in Crime No. 354 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr. J. Vishnu

For 1st respondent : Mr.M.Sakthikumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the First Information Report in Crime No. 354 of 2016 on the file of the 1st respondent police and quash the same.

2. The learned counsel appearing for the petitioner submitted that a case was registered against the petitioner in Crime No.354 of 2016 on the file of the first respondent police for an offences alleged under Sections 147, 448, 294(b), 323, 427 and 506(i) IPC on 13.05.2016. Subsequently, it has been altered into Sections 147, 448 and 294(b) IPC alone. He further submitted that the limitation for criminal proceedings for these offences only for three years. Further, the respondent police has not converted the said Crime as CC and hence, it is barred by limitation and prayed to quash the above said proceeding.

3. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the case was registered against the petitioner in Crime No.354 of 2016 on the file of the first respondent police for an offences alleged under Sections 147, 448, 294(b), 323, 427 and 506(i)



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IPC on 13.05.2016 and subsequently, it has been altered into Sections 147, 448 and 294(b) IPC alone. He would further submit that sofar, final report has not been filed.

4. On perusal of the records it reveals the fact that the case has been registered against the petitioner in Crime No.354 of 2016 on the file of the first respondent police for an offences alleged under Sections 147, 448, 294(b), 323, 427 and 506(i) IPC on 13.05.2016 and subsequently, it has been altered into Sections 147, 448 and 294(b) IPC alone. Section 147 IPC is punishable with imprisonment for 2 years or fine or both; Section 448 IPC punishable with imprisonment for 1 year or fine or both and 294(b) IPC is punishable with 3 years imprisonment or fine or both. As per Section 468(2) (c) Cr.P.C., any offence is punishable with more than 1 year, the limitation period is only 3 years. Admittedly, the case has been registered in the year 31.05.2016, within the statutory period final report has not been filed. Therefore, this case is statutory bar and hence, the same is liable to be quashed and accordingly, the First Information Report registered against the petitioner in Crime No. 354 of 2016 on the file of the 1st respondent police is hereby quashed.



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5. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

13.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
trp

To

1.The Inspector of Police,
Kenikarai Police Station,
Ramanthapuram District.

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



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V.SIVAGNANAM, J.

trp

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