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Crl.O.P.(MD) No.12691 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12691 of 2022

and

CrI.M.P(MD) No.8037 of 2022

Guru

... Petitioner/Accused No.1

Vs

1. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.

... 1st Respondent/ Complainant

2. Rasappa

... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the First Information Report in Crime No.305 of 2020, dated 15.11.2020, under Sections 294(b) and 323 I.P.C on the file of the first respondent/ police and quash the same so far as the petitioner concerned.

For Petitioner : Mr.M.Gurudas

For R1 : Mr.M.Sakthi Kumar
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.305 of 2020 on the file of the first respondent.

2. The learned counsel appearing for the petitioner submitted that the case has been registered against the petitioner in Crime No.305 of 2020 on 15.11.2020, 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.305 of



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2020, on 15.11.2020, 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, 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.305 of 2020, is hereby quashed as barred by limitation. Consequently, the connected criminal miscellaneous petition is closed.

14.07.2022

Internet:Yes./No

Index:Yes/no

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To

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

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V.SIVAGNANAM, J.

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ORDER IN
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