



Crl.O.P.(MD) No.12975 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12975 of 2022

1. Javitha @ Mohamed Javith
2. Mohamed Aseem @ Mohamed Asim
3. Dawood @ Dawood Sharief
4. Shiek Mathina @ Shaik Madeena
5. Asar Ahamed
6. Mohed Ekiya @ Mohamed Yahya

... Petitioners/Petitioners/ Accused

Vs

1. The State Represented by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(in Crime No.288 of 2019)

... 1st Respondent/ 1st Respondent/
Complainant

2. Jayamoham

... 2nd Respondent/ 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case registered in First Information Report in Crime No.288 of 2019, on the file of the first respondent and to quash the same in so far as this petitioners are concerned accused Nos.1,3,6,8,9,11 as illegal.



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For Petitioners : Mr.B.Arun
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.288 of 2019, for the offences punishable under Sections 341 and 143 I.P.C., dated 18.12.2019, on the file of the first respondent.

2. The learned counsel appearing for the petitioners submitted that the case has been registered against the petitioners in Crime No.288 of 2019, for the offences punishable under Sections 341 and 143 I.P.C. 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 petitioners is statutorily barred by limitation. Hence, he prayed to quash the criminal proceedings against the petitioners.

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



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4. On perusal of the materials available on records, the facts reveal that the case has been registered against the petitioners in Crime No.288 of 2019, for the offences punishable under Sections 341 and 143 I.P.C. The offences punishable under Sections 341 of IPC, is simple imprisonment for one month or fine of Rs.500/- or both and Section 143 of IPC, is imprisonment for six months or fine 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.288 of 2019, is hereby quashed as barred by limitation.

20.07.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Inspector of Police,
Adirampattinam Police Station,
Thanjavur 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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