



Crl.O.P.(MD) No.13527 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13527 of 2022
and Crl.MP(MD)No.8611 of 2022

Balaji

... Petitioner

Vs

1. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Crime No.46 of 2018..

2. Yoga Rathinam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the FIR in Crime No.46 of 2018, on the file of the first respondent Police.

For Petitioner : Mr. Arun Kumar.K.G

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to to quash the FIR in Crime No.46 of 2018, on the file of the first respondent Police.

2.The learned counsel for the petitioner submitted that the petitioner is an accused in a case, which was registered on 05.03.2018, in Crime No.46 of 2018, for an offence under Sections 143, 188 IPC. The offence under Section 143 IPC is punishable for a period of six months and the offence under Section 188 is punishable for a one month. The case is of the year 2018, so far, final report has not been laid by the first respondent Police. Therefore, it is barred by limitation for taking cognizance. Hence, this petition.

3.The learned Government Advocate (Crl.Side) for the respondent submitted that in this case, the first respondent police has not filed the charge sheet before the concerned Court.



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4.Perusal of records, the petitioner is an accused in Crime No.46 of 2018, for an offence under Sections 143, 188 IPC. The case is of the year 2018, so far, final report has not been filed by the first respondent Police. The punishment for the above said offence is as follows:

- *Section 143 IPC – Simple imprisonment for a period of six months*
- *Section 188 IPC – Simple imprisonment for period of one month*

5.As per 468(2)(b)Cr.P.C, the period of limitation to file charge sheet is *one year, if the offence is punishable with imprisonment for a term not exceeding one year*. The date of FIR was registered for the offence committed on 05.03.2018, the first respondent Police ought to have file charge sheet within one year (ie., on or before 05.03.2019). So far, the first respondent Police has not filed the charge sheet before the concerned Court. Hence, it is a case of barred by limitation and it is liable to be quashed.



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6. Accordingly, this Criminal Original Petition is allowed, thereby, the FIR in Crime No.46 of 2018, on the file of the first Respondent Police is quashed. Consequently, the connected miscellaneous petition is closed.

27.07.2022

Internet: Yes

Index: Yes

PNM

To

1. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Crime No.46 of 2018..

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



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V.SIVAGNANAM, J.

PNM

ORDER IN
CRL.O.P (MD) No.13527 of 2022
and Crl.MP(MD)No.8611 of 2022

27.07.2022