



Crl.O.P.(MD) No.13762 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM:

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

Crl.O.P.(MD) No.13762 of 2022

and

Crl.M.P(MD) No.8795 of 2022

1. Jeyamala,
2. Kasinathan,
3. Lakshmikanth,

: Petitioners

Vs

- 1.State represented by
The Inspector of Police,
Kodaikaanal Police Station,
Dindigul District.
Crime No.431 of 2018

2. Shanmugam,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in connection with Crime No.431 of 2018 on the file of the first respondent police and quash the FIR in so far as the petitioners are concerned.



Crl.O.P.(MD) No.13762 of 2022

For Petitioners : M/s.Poornachandran S,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No. 431 of 2018 on the file of the first respondent police, in so far as the petitioners are concerned.

2.The learned Counsel appearing for the petitioners submitted that initially, the case in Crime No. 431 of 2018 was registered for the offences under Sections 147, 294(b), 506(2) IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984. Later, it was altered to Sections 294(b), 506(1), 447 and 427 IPC. All the offences are punishable within a period of two years. Since the final report has not been filed within a period of two years, it is statutorily barred by limitation. Therefore, the criminal proceedings in Crime No.431 of 2018 has to be quashed.

3.The learned Government Advocate (Crl.Side) submitted that in this case, investigation had been completed and the respondent police also filed



CrI.O.P.(MD) No.13762 of 2022

the final report before the concerned Magistrate Court. But, the same was not taken on file.

4.I have considered the submissions made by both the parties.

5.On a perusal of records, it is seen that the case was registered in the year 2018, now we are in 2022. However, the final report was filed, so far the same was not taken on file. In view of Section 468 of Cr.P.C., in this case the limitation period is barred. Therefore, the criminal proceedings in Crime No.431 of 2018, is quashed as barred by limitation.

6.Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

01.08.2022

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



WEB COPY



Crl.O.P.(MD) No.13762 of 2022

V.SIVAGNANAM, J.

lr

To

1. The Inspector of Police,
Kodaikaanal Police Station,
Dindigul District.

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

Crl.O.P.(MD) No.13762 of 2022

01.08.2022