



Crl.O.P.(MD) No.14235 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14235 of 2022

and

Crl.M.P(MD) No.9161 of 2022

Karthik

... Petitioner/Accused No.3

Vs

1. The Inspector of Police,
B1 Nagar Police Station,
Ramanathapuram District.
(Crime No.146 of 2012)

... 1st Respondent/ Complainant

2. U.Mari

... 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 First Information Report in Crime No.146 of 2012, on the file of the first respondent police and quash the same so far as this petitioner/ A3 is concerned.

For Petitioner : Mr.J.Vishnu

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



Crl.O.P.(MD) No.14235 of 2022

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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 146 of 2012, on the file of the first respondent police, in so far as the petitioner is concerned.

2. The learned Counsel appearing for the petitioner submitted that based on the complaint lodged by the defacto complainant, an FIR in Crime No.146 of 2012, for the offences under Sections 447, 294(b), 323, 427 and 506(i) IPC has been registered. All the offences are punishable with below two years imprisonment. Since the final report has not been filed within a period of three years, it is statutorily barred by limitation. Therefore, the criminal proceedings in Crime No.146 of 2012 has to be quashed.

3.The learned Government Advocate (Crl.Side) submitted that in this case, investigation has been completed and the respondent police has also filed a final report before the concerned Magistrate Court, but, the same was not taken on file.



CrI.O.P.(MD) No.14235 of 2022

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

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5. On a perusal of the records, it is seen that the case was registered by the respondent police in Crime No.146 of 2012, dated 17.04.2012, for the offences under Sections 447, 294(b), 323, 427 and 506(i) I.P.C. All the offences are punishable with below two years imprisonment. This case was registered on 17.04.2012 and the final report has been filed. But, so far cognizance was not taken by the competent Magistrate Court and it is not reported that whether any petition has been filed for condoning the delay before the trial Court. In view of Section 468 of Cr.P.C., in this case, the limitation period is barred. Therefore, the criminal proceedings in Crime No.146 of 2012, is quashed as barred by limitation.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

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

10.08.2022



Crl.O.P.(MD) No.14235 of 2022

To

1. The Inspector of Police,
B1 Nagar Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.14235 of 2022

V.SIVAGNANAM, J.

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ORDER IN
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