



CRL.O.P (MD) No.14239 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14239 of 2022

and

CrI.M.P(MD)No.9169 of 2022

1. Chellasamy
2. Balamurugan

... Petitioners/Accused No.1 and 2

Vs.

- 1.State Represented by
The Inspector of Police,
Kovilpatti West Police Station
Thoothukudi District.
(Crime No.347 of 2021)

... 1st Respondent/ Complainant

2. Kondusamy Naicker

..2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the case in Cr.No.347 of 2021 pending on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.R.Anbarasu

For Respondents : Mr.M.Sakthikumar

No.1 Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the FIR in Cr.No.347 of 2021

on the file of the first respondent police insofar as the petitioners are concerned.



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2.The learned counsel for the petitioners submitted that a case has been registered against the petitioners for the offences under Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement Act,1959). The punishment for the offence under the said section is for a period of one year or with fine which may extend to one thousand rupees or with both. The case has been registered on 04.05.2021, but investigation has not been completed so far and final report has not been filed and it is barred by limitation. The respondent cannot prosecute the petitioners and hence, he seeks this Court to quash the proceedings.

3.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that in this case investigation has been completed and the final report has been filed before the concerned Court and not yet taken on file.

4. I have considered the matter in the light of the submissions made by the parties.

5.Admittedly, the case was registered in Cr.No.347 of 2021 for the offences under Section 3 of Tamil Nadu Open Places (Prevention of



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Disfigurement Act,1959) on 04.05.2021. For offence under Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement Act,1959), shall be punished for a period of one year or with fine which may extend to one thousand rupees or with both. As per Section 468 of Cr.P.C., final report has to be filed within one year. But prosecution failed to file a final report. Under these circumstances, the petitioners have filed this petition to quash the FIR. Therefore, for the failure of the prosecution to complete the investigation within a period of one year, the offence against the petitioner is hit by Section 468 Cr.P.C. Therefore, the final report cannot sustain and the FIR is liable to be quashed.

6.Accordingly, the F.I.R, in Crime No.347 of 2021, on the file of the first respondent, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

10.08.2022

Index : Yes / No
Internet : Yes/No
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To

1. The Inspector of Police,
Kovilpatti West Police Station
Thoothukudi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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