



CRL.O.P (MD) No.14147of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14147of 2022

and

CrI.M.P(MD)No.9090 of 2022

Vinith

... Petitioner

Vs.

1.State rep. by

The Inspector of Police,
Puthukadai Police Station
Kanyakumari District

2. Alexander

Village Administrative Officer
Thengapattanam Village
Thengapattanam
Kanyakumari District

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with Cr.No.54 of 2018 dated 06.03.2018 pending on the file of the first respondent police and quash the FIR insofar as the petitioner is concerned.

For Petitioner : Mr.S.Krishnakumar

For Respondents : Mr.M.Sakthikumar
Government Advocate (CrI.side)



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ORDER

This petition has been filed to quash the FIR in Cr.No.54 of 2018 on the file of the first respondent police insofar as the petitioner is concerned.

2.The learned counsel for the petitioner submitted that a case has been registered against the petitioner for the offences under Sections 143 and 188 IPC. Both the offences are punishable below six months. The case has been registered on 06.03.2018, 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 petitioner and hence, he seeks this Court to quash the proceedings.

3.The learned Government Advocate (Crl.side) appearing for the respondent police conceded that the offences against the petitioner is only under Sections 143 and 188 of IPC and the case has been registered in Cr.No.54 of 2018 on 06.03.2018 and so far final report has not been filed.

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



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5. Admittedly, the case was registered in Cr.No.54 of 2018 for the offences under Sections 143 and 188 of IPC on 06.03.2018. For offence under Section 143 of IPC, shall be punished with imprisonment for 6 months, or with fine, or with both and for offence under Section 188 of IPC, shall be punished with Simple imprisonment for 6 months, or fine of Rs.500 rupees, or 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 petitioner has 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.54 of 2018, on the file of the first respondent, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

05.08.2022

Index : Yes / No
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To

1. The Inspector of Police,
Puthukadai Police Station
Kanyakumari District
2. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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