



CRL.O.P (MD) No.15041 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15041 of 2022

and

CrI.M.P(MD)No.9834 of 2022

1. Jeyaraj
2. Venugopalan
3. Mohan
4. Hemanth
5. Senthilkumar
6. Ramesh
7. Sheik Abdullah
8. Sirajudeen
9. Kanagaraj
10. Syed Abdulkathar

... Petitioners

Vs.

1. The Inspector of Police
Thideer Nagar Police Station,
Madurai City

2. Arulraj

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., call for the records relating to the proceedings of the First Information Report in Crime No.107 of 2020 on the file of the respondent police and quash the same in respect of the petitioners/accused Nos.28 to 32,34 to 38.



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For Petitioners : Mr.D.Maxson Lobo
For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the FIR in Cr.No. 107 of 2020 on the file of the first respondent police.

2.The learned counsel for the petitioners would submit that already some of the accused namely Subramanian, Gubendran and Pathmanaban filed a petition before this Court in Crl.O.P(MD) No.6928 of 2022 for quashing the case registered against them in Crime No.107 of 2020 and this Court vide order dated 13.04.2022 has allowed the petition filed by the petitioners. Further the case itself 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 this Court by an order dated 13.04.2022 had quashed the proceedings in respect of some of the accused persons. He would further submit that final report has not been filed till today.



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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.107 of 2020 for the offences under Sections 143, 341, 283 and 290 of IPC on 14.02.2020. As per Section 468 of Cr.P.C., final report has to be filed within two years. But prosecution failed to file a final report. Further this Court vide order dated 13.04.2022 has allowed the petition filed by some of the accused persons. 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 two years, the offence against the petitioners 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.107 of 2020, on the file of the first respondent, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

23.08.2022

Index : Yes / No
Internet : Yes/No
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To

1. The Inspector of Police
Thideer Nagar Police Station,
Madurai City
2. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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