



CRL.O.P (MD) No.15053of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15053 of 2022

and

CrI.M.P(MD)No.9844 of 2022

Police Kumar @ Kumar

... Petitioner

Vs.

1. The Inspector of Police
Bodinayakkanur Rural Police Station
Theni District

2.Gunamani

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., call for the records pertaining to the Crime No.240 of 2018 on the file of the first respondent police and quash the same as against the petitioner is concerned.

For Petitioner : M/s.Pandi Rani

For Respondents : Mr.M.Sakthikumar
Government Advocate (CrI.side)-R1

ORDER

This petition has been filed to quash the FIR in Cr.No.240 of 2018 on the file of the first respondent police insofar as the petitioner is concerned.



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2.The learned counsel for the petitioner submitted that a case has been registered against the petitioner for the offences under Sections 147,294(b), 323 and 506(i) of IPC in Crime No. 240 of 2018. The case has been registered on 18.04.2018, 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 would submit that the final report filed and so far 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.240 of 2018 for the offences under Sections 147,294(b), 323 and 506(i) of IPC on 15.04.2018. As per Section 468 of Cr.P.C., final report has to be filed within three years. 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



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the prosecution to complete the investigation within a period of three years, 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.240 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.

29.08.2022

Index : Yes / No

Internet : Yes/No

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To

1. The Inspector of Police
Bodinayakkanur Rural Police Station
Theni District

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



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V.SIVAGNANAM, J.

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