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CRL.O.P (MD) No.15488 of 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.15488 of 2022

and

CrI.M.P(MD)No.10150 of 2022

Selvam

... Petitioner

Vs.

1. The Inspector of Police
Melur Police Station
Madurai District

2. Tamilarasan

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., call for the records in respect of Crime No. 291 of 2019 on the file of the first respondent and quash the same.

For Petitioner : Mr.A.V.Aruna

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

ORDER

This petition has been filed to quash the First Information Report in Cr.No.291 of 2019 on the file of the first respondent police.



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2. The learned counsel for the petitioner would submit that this case has been registered against the petitioner in Crime No.291 of 2019 for the offences under Sections 279,337 of IPC. The offence under Sections 279 and 337 of IPC are punishable for imprisonment of six months . Since final report has not been filed within the stipulated period two years, this case is barred from the further criminal proceedings.

3. The learned Government Advocate(Crl Side) would submit that so far charge sheet has not been filed against the petitioner in this case.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

5. It is seen that the case has been registered in Crime No.291 of 2019 for the offences under Section 279,337 of IPC on 14.05.2019 and as on date no final report has been filed by the prosecution.



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6. In view of the provisions under Section 468 of Cr.P.C final report ought to have been filed within two years and no criminal proceedings can be taken cognizance thereafter. While such being so, the Court cannot take cognizance of the complaint after a period of two years. No purpose will be served by allowing the case in Crime No. 291 of 2019 to be kept pending.

7. In view of the same, the proceedings in Crime No.291 of 2019 is hereby quashed. Accordingly, this 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
Melur Police Station
Madurai District

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



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V.SIVAGNANAM, J.

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