



Crl.O.P.(MD) No.16272 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16272 of 2022

Ayyampandi

...Petitioner

VS

**1.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.**

2.Muthulakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in CC.No.42 of 2020 dated 21.08.2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District and quash the same.

**For Petitioner : Mr.B.Mahendrarajan
For R1 : Mr.R.Sivakumar
Government Advocate (Crl.side)**

ORDER

This Criminal Original Petition has been filed to quash the case in CC.No.42 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District.



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2.It is the submission of the learned Counsel for the Petitioner that the FIR is of the year 2018. The charge sheet had been filed in the year 2020 for the offences under Sections 341, 143 and 188 IPC. As per the reported ruling of this Court in the case of ***Jeevanandham and others Vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District and another*** reported in ***2018 L.W.(Crl.) 606***, the offence under Section 188 IPC cannot be registered by the Respondent police. It is to be taken as a private complaint, based on the complaint of any Government Officials other than the police Officials.

3.In this case, the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District, had registered the offence under Section 188 IPC and had taken the file of the final report for the offences under Sections 341 and 143 IPC alone. Still, the final report suffers from lapses. As per Section 468 Cr.P.C., the offences attracting fine alone had to be filed within the reasonable time of six months, if the offence is punishable with fine only. One year, if the offence is punishable with imprisonment for a term not exceeding one year. Here, the offences are attracting fine only. Therefore, it is beyond the period of limitation.



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4.In the light of the above, this Criminal Original Petition is allowed.

The charge sheet in CC.No.42 of 2020 dated 21.08.2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District is quashed.

Internet:Yes/No

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Index:Yes/No

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To

- 1.The District Munsif cum
Judicial Magistrate,
Thiruppuvanam, Sivagangai District.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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