



CrI.O.P.(MD) No.17864 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.17864 of 2021

and

CrI.M.P(MD) No. 9752 of 2022

1. M.Praveen
2. Arun Pradap ... Petitioners/Accused Nos.2 & 3

Vs

1. The State of Tamil Nadu
Represented by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.79 of 2016 ... 1st Respondent/ Complainant

2. Amuthaveni ... 2nd Respondent/ defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned First Information Report in Crime No.79 of 2016, for the offences under Sections 294(b), 323, 506(i) I.P.C, dated 16.03.2016, on the file of the first respondent and quash the same as illegal.



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For Petitioners : Mr.K.Dinesh
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R2 : Mr.N. Ananthapadmanabhan
For M/s. APN Law Associates

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.79 of 2016, on the file of the first respondent.

2.The learned counsel appearing for the petitioners submitted that the the case has been registered against the petitioners in Crime No.79 of 2016 on 16.03.2016, for the offence under Sections 294(b), 323 and 506(1) of I.P.C., and all the offences are punishable within two years imprisonment. Since the investigation not completed and the final report has not been filed within a period of three years, it is statutorily barred by limitation. Therefore, the criminal proceedings in Crime No.79 of 2016 has to be quashed.

3.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the final report has not been filed as on date.



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4. On perusal of the materials available on records, the facts reveal that the case has been registered against the petitioner in Crime No.79 of 2016, on 16.03.2016, for the offence under Sections 294(b), 323 and 506(i) of IPC. The case was registered in the year 2016, now we are in 2022. However, the final report was not filed so far and the same was not taken on file. In view of Section 468 of Cr.P.C., final report has to be filed and the same should be taken cognizance within a period of three years. Hence, it is barred by limitation. Therefore, the criminal proceedings in Crime No.79 of 2016, is liable to be quashed as barred by limitation.

5. Accordingly, this Criminal Original Petition is allowed and as a sequel, the further criminal proceedings of the FIR in Crime No.79 of 2016, is hereby quashed as barred by limitation. Consequently, the connected criminal miscellaneous petition is closed.

03.08.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Inspector of Police,
Samayanallur 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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ORDER IN
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