

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17108 of 2022

and

CrI.M.P(MD)Nos.11493 and 11495 of 2022

1.Mavadiyan

2.Santhoshkumar

3.Madan

4.Diviyaraj

5.Nagappan

6.Mathialagan

...Petitioners

Vs.

1.The Inspector of Police,

Wattalai Police Station,

Trichy District.

(Crime No.258 of 2015)

2.Pitchai

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the charge sheet in C.C.No.160 of 2018 on the file of the Judicial Magistrate, Musiri, Trichy District and quash the same.

For Petitioner :Mr.C.Jeganathan

For R1 :Mr.B.Nambi Selvan
Additional Public Prosecutor

For R2 :No Appearance

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.160 of 2018 on the file of the learned Judicial Magistrate, Musiri, Trichy District.

2.The learned Counsel for the Petitioner submitted that there was a group clash in the village regarding funeral procession, where the opposite party alleged to have attacked the Petitioner and his father. The Petitioner alleged to have attacked the alleged party. Therefore, it is a case and counter case. The Petitioner's complaint was registered in Crime No.259 of 2015 and the opposite party complaint was registered in Crime No.258 of 2015. In Crime No.258 of 2015, investigation was completed and final report was laid before the learned Judicial Magistrate, Musiri, Trichy District, which was taken cognizance for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC. It is the submission of the learned Counsel for the Petitioner that even though the complaint of the Petitioner was registered in the year 2015, final report had not been laid. Therefore, he seeks to quash the final report laid before the learned Judicial Magistrate, Musiri, Trichy District and numbered as C.C.No.160 of 2018.

3.The learned Additional Public Prosecutor appearing for the first Respondent submits that the counter case is under investigation and final report will be filed.

4.It is found evasive reply for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, for the occurrence took place in the year 2015. Even after 2022, final report is not laid. Therefore, this Court had directed the learned Additional Public Prosecutor to furnish CD file. From the CD file, it is found that in the case and counter case, the investigation has not proceeded fairly. In view of Section 468 of Cr.P.C., final report has to be filed within a period of one year. Section 468 Cr.P.C., which reads as follows:-

"468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of

limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment."

5.In view of the above, this Criminal Original Petition is allowed and the F.I.R. in Crime No.258 of 2015 on the file of the first Respondent police is hereby quashed. Consequently connected Miscellaneous Petitions are closed.

22.09.2022

Internet:Yes/No

Index:Yes/No

vsd

To

- 1.The Inspector of Police,
Wattalai Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P (MD) No.17108 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

vsd

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