



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P(MD)No.19019 of 2021

&

CrI.M.P(MD)No.10558 of 2021

WEB COPY

1. R.Karanthamalai
2. Balamurugan @ K.Palmurugan
3. K.Ariraman @ Boominathan
4. K.Lingammal ... Petitioners/ Accused No.1 to 4

Vs.

1. The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.199 of 2014) ... 1st Respondent/ Complainant
2. Shanmugam ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., issue to call for the records Crime No.199 of 2014 on the file of first respondent and quash the same.

For Petitioners	:	Mr.N.Mohideen Basha
For Respondents	:	Mr.B.Thanga Aravindh
		Government Advocate (Criminal Side)
		for R.1

Mr.G.Raja Raman for R.2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.199 of 2014 on the file of first respondent.

2. The case of the prosecution is that the defacto complainant is constructing a house, for which, he had kept building materials in the public path. On 13.10.2014, Accused No.1 / Karanthamalai, questioned the defacto complainant as to why he had kept the building materials in his parking space. Suddenly, all the accused persons attacked the defacto complainant and criminally intimidated the defacto complainant. Hence, the present case came to be registered.

3. However, the learned Government Advocate (Criminal Side) submitted that after completion of investigation in Crime No.199 of



2014, the final report has been filed and the same has been taken cognizance in C.C.No.150 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District and it is pending for trial.

4. A perusal of the records revealed that while admitting this petition, this Court granted interim stay and thereby, stayed all further proceedings in Crime No.199 of 2014, by order dated 02.12.2021. However, while pending the interim order, the first respondent filed the final report and the same has been taken cognizance in C.C.No.150 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District. The provision under Section 468 Cr.P.C mandates that no Court shall take cognizance of an offence beyond the limitation period specified therein. The present case has been registered for the offence under Sections 324 and 506(i) IPC and the maximum punishment is 3 years and 2 years respectively. Therefore, the first respondent ought to have completed the investigation and filed the final report within three years. Beyond the period of three years, the learned Judicial Magistrate cannot take cognizance on the final report filed by the first respondent. In the case on hand, the first respondent filed the final report after a period of 7 years, that too, when interim stay is pending. The interim order passed by this Court is dated 02.12.2021. The first respondent filed the final report and the same has been taken cognizance mechanically by the trial Court without considering the period of limitation.

5. In view of the above, the FIR in Crime No.199 of 2014 is quashed and subsequently, proceedings in C.C.No.150 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District, cannot be sustained as against the petitioners and it is liable to be quashed.

6. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

- 1.The Judicial Magistrate,
Thirumangalam, Madurai District
2. The Inspector of Police,
Kallikudi Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(27.05.2022) 3P 4C