



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.19681 of 2021

and

Crl.M.P.(MD)No.11034 of 2021

1.Mohan

2.Anantha Raj

3.Satheesh Kumar ... Petitioners /Accused Nos.1 to 3
vs.

1.The State of Tamil Nadu,
rep. by the Sub Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.221/2018)

2. The Village Administrative Officer,
Kudankulam Village,
Kudankulam,
Tirunelveli District. ... Respondents /Complainants

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records relating to the proceedings in Crime No.221
of 2018 on the file of the Inspector of Police, Kudankulam Police
Station and quash the same.

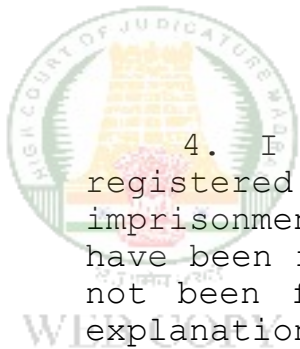
For Petitioners : Mr.K.Vamanan
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

O R D E R

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate appearing for the respondents.

2. The petitioners stand accused in Crime No.221 of 2018
registered on the file of the first respondent for the offence under
Section 4(1) of Tamilnadu Open Place (Prevention of Disfigurement)
Act, 1959.

3. The stand of the respondent earlier was that final report
was filed. It is now firmly stated by the petitioner's counsel that
when he applied for issuance of final report, it was returned with
an endorsement that final report has not been filed till date.



4. I have to go by the court endorsement. The case was registered way back on 22.07.2018. If an offence is punishable with imprisonment for a term upto three months, final report ought to have been filed within one year. In this case, the final report has not been filed. The prosecution has also not come out with any explanation explaining the delay. The case on hand is squarely covered by the ratio laid down in Crl.O.P.(MD)No.1972 of 2020 dated 21.02.2020 (V.K.Gurusamy Vs. The Special Sub-Inspector of Police).

5. Applying the said ratio, the impugned prosecution stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// 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 Sub Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
2. The Village Administrative Officer,
Kudankulam Village,
Kudankulam,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.19681 of 2021
07.01.2022

NSN(CO)
KB(31.01.2022) 2P 4C