



CrI.O.P.(MD) No.18238 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 16.11.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD) No.18238 of 2022

and

CrI.M.P(MD) No.12165 of 2022

Riyaskhan @ Riyash
S/o.Segu

... Petitioner

Vs.

1.The State Rep. by the
Sub- Inspector of Police,
Thirupullani Police Station,
Ramanathapuram.
(Crime No.209 of 2020)

2.Seeni Musthafa
S/o.Haithar Ali

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the First Information Report in Crime No.209 of 2020 on the file of the first Respondent and quash the same as illegal and abused of process of law so far as the petitioner is concerned.



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For Petitioner : Mr.K.Navaneetharaja

For R-1 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed to quash the First Information Report in Crime No.209 of 2020 on the file of the first Respondent police

2. The learned Additional Public Prosecutor appearing for the first Respondent would submit that the First Information Report was registered in Crime No.209 of 2020 for the alleged offence that took place in the year 2020. He would further submit that the charge sheet had not been filed before the Court concerned till date.

3. Admittedly, the case was registered in Cr.No.209 of 2020 for the offences under Sections 249(b), 323 and 506(i) of IPC on 04.07.2020. As per Section 468 of Cr.P.C., final report has to be filed within two

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years. The prosecution failed to file the final report. Under these circumstances, the Petitioner had filed this petition to quash the FIR. Therefore, for the failure of the Prosecution to complete the investigation within a period of two years, the offence against the Petitioner is hit by Section 468 Cr.P.C. Therefore, the final report cannot be filed after the period of Limitation as per Section 468 of Cr.P.C. The First Information Report is liable to be quashed.

4. Accordingly, the F.I.R, in Crime No.209 of 2020, on the file of the first Respondent, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

16.11.2022

Internet: Yes/No
Index : Yes/No
cp



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To
WEB COPY

- 1.The Sub- Inspector of Police,
Thirupullani Police Station,
Ramanathapuram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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