



CrI.O.P.(MD) No.18248 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.11.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD) No.18248 of 2022

and

CrI.M.P(MD) No.12181 of 2022

Chinnathambi

... Petitioner

Vs.

1.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(FIR No.119 of 2019)

2.Paulinesan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the First Information Report in Crime No.119 of 2019 dated 28.09.2019 under Section 379 of IPC on the file of the first respondent/police and quash the same as illegal.

For Petitioners : Mr.M.Arumugam

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



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ORDER

This Criminal Original Petition had been filed to quash the First Information Report in Crime No.119 of 2019 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.119 of 2019 for the alleged offence that took place in the year 2019. He would further submit that the final report laid before the Court of the Judicial Magistrate concerned. However, he would fairly submit that the same is not taken on file till date.

3. Admittedly, the case was registered in the year 2019 in Cr.No.119 of 2019 for the offences under Section 379 of IPC. The charge sheet filed by the respondent Police is not taken on file till date. As per Section 468 of Cr.P.C., final report has to be filed within three years. The prosecution failed to file the final report within the prescribed time. Under these circumstances, the Petitioner had filed this petition to



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quash the FIR. Therefore, for the failure of the Prosecution to complete the investigation within a period of three 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.119 of 2019, 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

To

1. The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

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SATHI KUMAR SUKUMARA KURUP, J.

cp

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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