



CrI.O.P.(MD) No.19565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.19565 of 2022

and

CrI.M.P(MD) No.13378 of 2022

P.Kithiyon

...Petitioner

-VS-

State Rep.

The Inspector of Police

Nesamony Nagar Police Station,

Kanniyakumari District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the proceedings in Crime No.146 of 2019 dated 08.11.2019 on the file of the Nesamony Nagar Police Station, Kanniyakumari and quash the same.

For Petitioner : Mr.S.Mahalakshmi

**For Respondent : 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.146 of 2019 on the file of the Respondent Police.

2.The learned Additional Public Prosecutor would submit that the First Information Report was registered in Crime No.146 of 2019 for the alleged offence that took place in the year 2019. 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.146 of 2019 for the offences under Sections 143 and 341 of IPC on 08.11.2019. 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. 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 one year, the offence against the Petitioner is hit by Section 468 Cr.P.C.



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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.146 of 2019, on the file of the Respondent Police, 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
sji

To

1. The Inspector of Police
Nesamony Nagar Police Station,
Kanniyakumari District.
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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