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Crl.O.P.(MD)No.22698 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.22698 of 2022
and Crl.M.P.(MD).No.16058 of 2022

1.R.Murugesan

2.G.Jothirajan

... Petitioners

Vs.

1.The Inspector of Police,
Vadaku Police Station,
Pudukottai District.

(Crime No.102 of 2017)

... 1st Respondent/Complainant

2.P.Shanmugam

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the case in FIR in Crime No.102 of 2017 on the file of the 1st respondent police and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.M.Suresh

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)



ORDER

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This petition is filed to quash the FIR in Cr.No.102 of 2017 on the file of the first respondent.

2.The learned counsel for the petitioners submitted that based on the complaint given by the 2nd respondent the case has been registered by the first respondent in Cr.No.102 of 2017 for the offence punishable under Section 143 and 188 IPC. But so far investigation has not been completed and no final report has been filed before the concerned Court.

3.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that so far final report has not been filed before the concerned Court.

4.This Court is of the view that since even after a lapse of 5 years, the final report has not been filed before the Concerned Court, it is barred by limitation under Section 468 of Cr.P.C as the final report ought to have been filed before expiring limitation from the date of occurrence. Therefore, this Court is inclined to allow this petition.



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4.This criminal original petition is allowed and the FIR in Crime

No.102 of 2017 on the file of the respondent police is hereby quashed.

Consequently, connected miscellaneous petition is closed.

Index : Yes/No

22.12.2022

Internet : Yes/No

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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 Inspector of Police,
Vadaku Police Station,
Pudukottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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