



Crl.O.P.No.1543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.1543 of 2023

Crl.M.P.No.886 of 2023

Vijayarasu

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.653 of 2020)

2.G.Perumal

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C. praying to call for the records relating to the Crime No.653 of 2020 on the file of the 1st respondent, quash the same by allowing this Criminal Original Petition and pass such further or other suitable orders as this Court deems fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.S.Santhosh (For R1)



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Government Advocate (Crl side)

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ORDER

This Criminal Original Petition has been filed to call for the records relating to the Crime No.653 of 2020 on the file of the 1st respondent, quash the same.

2.The learned counsel for the petitioner mainly challenges this petition on the ground that despite registration of First Information Report on 30.04.2020, final report is not filed in this case till now and therefore, the case is barred by limitation.

3.When the matter was taken up for hearing on 30.01.2023, it was reiterated by the learned Government Advocate (Criminal side) that the investigation in this case is over and final report was also filed before the learned Judicial Magistrate, Harur, Dharmapuri in 2020 itself. In response, the learned counsel for the petitioner submitted that he got information through the Right to Information Act, 2005, stating that no records had been filed in Cr.No.653 of 2020. Therefore, this Court called for a report from learned Judicial Magistrate, Harur, Dharmapuri, and also the first respondent with regard to filing of final report. The learned Judicial Magistrate, Harur,



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Dharmapuri, sent a report dated 09.02.2023 in D.No.197 of 2023 that final report has not been received in this case so far. Respondent filed counter stating that after the completion of investigation on 02.06.2020, the then Sub Inspector of Police filed a charge sheet against the accused before the Judicial Magistrate Court, Harur, on 16.02.2023 and it is yet to be taken on file. Thus, it is apparent that the final report was filed in this case only on 16.02.2023 and not prior to that as stated earlier.

4.Coming to the facts of the case, the First Information Report allegations reveal that the accused including petitioner in Cr.No.653 of 2020 played Mangatha for stakes when there was a spread of Covid-19. Therefore, this case came to be registered for the offence under Section 269 I.P.C and Section 12 TN Gaming Act, 1930. Punishment provided under Section 269 I.P.C. is only imprisonment for six months or fine or both. Punishment provided under Section 12 TN Gaming Act, 1930, is fine not exceeding one hundred rupees or imprisonment not exceeding three months. Limitation for filing final report for these offences is one year from the date of commission of the offence. As indicated earlier offence said to have been committed on 30.04.2020. Admittedly, final report was filed only on 16.02.2023 beyond the period of one year limitation. Therefore, the Court cannot take cognizance of



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those offences on the basis of the final report filed on 16.02.2023.

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5.In this view of the matter, this Criminal Original Petition is allowed.

Proceedings in Cr.No.653 of 2020 on the file of the first respondent against the petitioner is quashed. Consequently, connected miscellaneous petition is closed.

27.02.2023

Internet:Yes
Index:Yes/No
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To:

- 1.The Inspector of Police,
Harur Police Station,
Dharmapuri District.
- 2.The Public Prosecutor
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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