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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.3131 and 3129 of 2022
and Crl.MP.Nos.1397,1398 and 1399 of 2022

Kalyanaraman, M/54
S/o.Ramasamy

.. Petitioner/Appellant

.VS.

1.State rep.by
Assistant Commissioner of Police
Central Crime Branch (CCB-I)
Team-13, Cyber Crime Cell, CCB
Chennai.

2.Meeran, M.E
S/o.Easak SKM.

.. Respondent/de facto Complainant

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Crime Nos.336 of 2019 and 60 of 2020 on the file of the respondent and to quash the same as against these petitioners.

For Petitioner : Mr.R.Anand
(Both Crl.OPs)

For Respondents : Mr.A.Damodaran
(Both Crl.OPs) Additional Public Prosecutor
for R1

Mr.M.Mohamed Riyaz
for R2



COMMON ORDER

These criminal original petitions have been filed to quash the FIR registered against the petitioner in Crime No.336 of 2019 dated 5.12.2019 and Crime No.60 of 2020, dated 18.2.2020, pending investigation on the file of the 1st respondent in both the petitions.

2. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the offences for which the FIR has been registered is punishable for a maximum imprisonment for three years and that in both cases, this period came to an end longtime back and therefore even if a final report is filed, the same cannot be taken cognizance in view of the bar u/s.468(2)(C) Cr.PC. The learned counsel therefore contended that both the FIRs are liable to be quashed by this Court.

3. The learned Additional Public Prosecutor on instructions submitted that the investigation has been completed in both the cases and final reports have been filed before the Additional Chief Metropolitan Magistrate, Egmore. It was further contended by the learned Additional Public Prosecutor that considering the nature of allegations made in these cases, the Court below can always exercise its power and jurisdiction u/s. 473 Cr.PC. Therefore, the learned Additional Public Prosecutor submitted that the FIR cannot be quashed



on that ground at this stage.

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4. Taking into consideration the facts and circumstances of the case, this Court does not want to go into the merits of the case for the present. The Court below cannot take cognizance of the final report without condoning the delay in exercise of its jurisdiction u/s.473 Cr.PC. If the Court below exercises such a jurisdiction, the same shall be done strictly in accordance with law.

5. Both the criminal original petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

23.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

1. The Assistant Commissioner of Police
Central Crime Branch (CCB-I)
Team-13, Cyber Crime Cell, CCB
Chennai.

2. The Public Prosecutor,
High Court, Madras.

N. ANAND VENKATESH., J.

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