



Crl.O.P.No.12287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.06.2023

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THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.12287 of 2023

Manikandan

...Petitioner

Vs.

State represented by
The Inspector of Police,
Avadi Police Station,
Avadi District.
(Crime No.824 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the FIR in Crime No. 824 of 2019 on the file of the Inspector of police, Avadi Police Station, Avadi District and quash the same as against the petitioner.

For Petitioner : M/s G.Gayathri
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed calling for the records relating to the FIR in Crime No.824 of 2019 on the file of the Inspector of police, Avadi Police Station, Avadi District and quash the same as against the petitioner.

2. It is the submission of the learned counsel for the petitioner that the FIR in Crime No.824 of 2019 for the offence under Section 75 of Tamil Nadu City Police Act, 1888 was registered against the petitioner. The allegations made in the FIR are totally false. The petitioner is unnecessarily harassed by the registration of this FIR. Therefore, this petition.

3. The learned Government Advocate (Crl.side) submitted that the investigation in this case is completed and final report is yet to be filed.

4. Considered the rival submissions and perused the records.



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5. Section 75 of Tamil Nadu City Police Act, 1888 reads as follows:-

“ Penalty for drunkenness or riotous or indecent behaviour in public place:-

(1) Whoever, in any public place, office, station-house or Court, or in any place of public amusement or on board of any passenger boat or vessel, is

(a) found drunk and incapable of taking care of himself;
or

(b) found drunk and under the influence of liquor or drug;
or

(c) found behaving in a violent or boisterous or disorderly or riotous or indecent manner or using any threatening, abusive or insulting words which causes or is likely to cause a breach of public peace shall be liable, on conviction, to imprisonment not exceeding six months or fine not exceeding one thousand rupees.

(2) Whoever is-

(a) found drunk and behaving in a violent or riotous or indecent manner in a private place, or causing nuisance or annoyance to the public or to neighbours; or

(b) found drunk and under the influence of liquor or drug while driving or riding a vehicle, shall be liable on conviction to imprisonment not exceeding six months or fine not exceeding one thousand rupees.”

6. As per the Section 468 Cr.P.C, the period of limitation for taking cognizance of this offence is one year from the date of commission of



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offence.

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7. Though, the offence alleged in this case was committed on 03.10.2019 and the FIR was registered on the same day, till date no final report is filed. Even if the final report is filed, the Court will not be in a position to take cognizance of the offence for the reason that there is a bar under Section 468 of Cr.P.C for taking cognizance of the offence after a period of one year. Therefore, the FIR in Crime No.824 of 2019 is hit by limitation.

8. In view of the above, FIR in Crime No.824 of 2019 on the file of the Inspector of police, Avadi Police Station, Avadi District is hereby quashed. Accordingly, this Criminal Original Petition stands allowed.

01.06.2023

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Index:Yes/No

Speaking Order: Yes/No



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To

1. The Inspector of Police,
Avadi Police Station,
Avadi District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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