



Crl.O.P.No.11611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.06.2023

CORAM

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

Crl.O.P.No.11611 of 2023
and Crl.M.P.No.7213 of 2023

Kanagaselvam

...Petitioner

Vs.

State represented by
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City,
(Crime No.1534 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned FIR in Crime No.1534 of 2019 on the file of the respondent and quash the same.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER



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This Criminal Original Petition has been filed calling for the records in connection with the impugned FIR in Crime No.1534 of 2019 on the file of the respondent and quash the same.

2. It is the submission of the learned counsel for the petitioner that the FIR in Crime No.1534 of 2019, for the offence under Section 283 of IPC was registered against the petitioner. This offence is punishable with a fine of Rs.200/-. As per Section 468 Cr.P.C, the final report ought to have been filed within a period of six months from the date of commission of offence. Though, the FIR was registered on 17.12.2019, so far the final report is not filed. Therefore, this petition.

3. The learned Government Advocate (Crl.side) submitted that the investigation in this case is pending.

4. Considered the rival submissions and perused the records.

5. It is seen from the FIR allegations that the petitioner was booked



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for the offence under Section 283 of IPC for selling fish in the road, causing disturbance to traffic and public movement. It was rightly pointed out by the learned counsel for the petitioner that the offence under Section 283 of IPC is punishable with fine of Rs.200/- only. No Court shall take cognizance of the offence punishable with fine only, beyond the period of six months. Admittedly, no final report is filed so far. Even if it is filed, now there is a bar under Section 468 (2) (a) of Cr.P.C for taking cognizance of the offence.

8. In view of the above, the FIR in Crime No.1534 of 2019, on the file of the respondent Police is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

02.06.2023

mn

Index: Yes/No

Speaking Order: Yes/No

G.CHANDRASEKHARAN.J.,

mn



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WEB COPY

To

1. The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City.
2. The Public Prosecutor,
High Court of Madras.

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