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Crl OP No.14905 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No.14905 of 2021

Santhosh @ Santhoshkumar

... Petitioner/Accused

Versus

1. State, Rep. by

The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
(Crime No.226 of 2009)

... 1st Respondent/Complainant

2. Dhanalakshmi

... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to the final report in C.C.No.36 of 2015 pending trial on the file of the learned District Munsiff cum Judicial Magistrate-I, Hosur and quash the same.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.S.Balaji
Government Advocate (Crl. Side), for R1



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ORDER

This Criminal Original Petition has been filed seeking to quash the Final Report in CC No.36 of 2015 for the alleged offences under Sections 304 (A), 279 and 337 of the Indian Penal Code.

2. The learned counsel appearing for the petitioner submitted that the occurrence is said to have taken place on 20.06.2009. However, the impugned Final Report was filed only on 05.02.2015. The maximum punishment provided for the offence under Section 304(A) is a period of two years. As per Section 468 of the Code of Criminal Procedure, the Final Report ought to have been filed within three years and since the Final Report has been filed beyond the period of limitation, the impugned Final Report is not sustainable and it is liable to be quashed.

3. The learned Additional Public Prosecutor, however, submitted that the witnesses on the side of the prosecution have been examined and the case is now posted for arguments.

4. This Court is of the view that since the trial is in advanced stage,



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the petitioner is at liberty to raise all his contentions including the point raised by him with regard to limitation before the Trial Court. It is needless to say, the Trial Court shall consider the said submissions on its merits and decide in accordance with law. Hence the Criminal Original Petition is dismissed.

06.06.2023

jv

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The District Munsiff cum Judicial Magistrate-I,
Hosur.
2. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
3. The Public Prosecutor
Madras High Court.



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SUNDER MOHAN, J.

jv

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