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CrI.O.P.No.12281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.12281 of 2023

and

Cr.M.P.No.7481 of 2023

Dr.R.Murali

...Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.

2.Balaji

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in FIR in crime No.113 of 2018 on the file of the Inspector of Police, Poraiyar Police Station, Mayiladuthurai District and quash the same.

For Petitioner : Mr.S.Tamilvendan
For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition is filed to call for the records in crime No.113 of 2018, on the file of the Inspector of Police, Poraiyar Police Station, Mayiladuthurai District and quash the same.



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The learned counsel for the petitioner submitted that petitioner submitted an application for installation of statue of Dr.Ambedkar in front of the Poraiyar High Tech Centre in Highways, but the statue is not installed so far. However, the respondent police registered a case in crime No.113 of 2018, dated 28.03.2018, for the offences under Sections 153 A (1)(a) and 153 A (1)(b) IPC. He further submitted that the offences are now barred by limitation and thus, prayed for quashing of the FIR.

3.In response, the learned Government Advocate (Crl.Side) submitted that final report has not been filed in this case.

4.FIR allegations read that on 28.03.2018, at about 2 a.m., accused had attempted to install Dr.Ambedkar statue in front of the Poraiyar High Tech Centre in Highways. There was no permission obtained for installation of the statue. If the statue is installed, it would cause disturbance to the traffic in the highways. Therefore, FIR was registered for the offences under Sections 153 A (1)(a) and 153 A (1)(b) IPC.



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5. Section 153 A deals with promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. The offences under Sections 153 A (1) (a) and (b) are liable to be punished with imprisonment, which may extend to three years or with fine or with both.

6. FIR in this case was registered on 28.03.2018. Final report should have been filed within three years from the date of registration of the FIR on 28.03.2018. It is informed that the final report has not been filed so far. Even if the final report is filed, offences cannot be taken cognizance for the reason that there is a bar under Section 468 Cr.P.C. to take cognizance.

7. In this view of the matter, this criminal original petition is allowed and as a sequel, FIR in crime No.113 of 2018, on the file of the Inspector of Police, Poraiyar Police Station, Myiladuthurai District is quashed. Consequently, connected miscellaneous petition is also closed.

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Internet :Yes
Index :Yes/No
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G.CHANDRASEKHARAN, J.
sli

To:

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

Crl.O.P.No.12281 of 2023
and
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