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Crl.O.P.No.12780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12780 of 2023

1.Janarthanan

2.Udhayakumar

... Petitioners

Vs.

1.The Inspector of Police,
Somangalam Police Station,
Kanchipuram District.

2.Kavitha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.70 of 2020 pending on the file of the Inspector of Police, Somangalam Police Station, Kanchipuram District and quash the same.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
(For R1)



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.70 of 2020 pending on the file of the Inspector of Police, Somangalam Police Station, Kanchipuram District and quash the same.

2.The learned counsel for the petitioner challenges the First Information Report in Cr.No.70 of 2020 on a limited ground that the offences for which the First Information Report was registered cannot be taken cognizance by the learned Judicial Magistrate for the reason that final report was not filed within the stipulated period. It is his further submission that the First Information Report was registered in Cr.No.70 of 2020 for the offences under Sections 294 (b) and 324 I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002. The offence under Section 294 (b) I.P.C. is punishable with imprisonment which may extend to three months or with fine or with both. The offence under Section 324 I.P.C is punishable with imprisonment which may extend to three years or with fine or with both. Similarly, the offence under Section 4 of the TN Prohibition of Harassment of Women Act, 2002, is punishable with imprisonment which may extend to three years and



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with fine, which shall not be less than Rs.10,000/-. As per Section 468 Cr.P.C., the limitation prescribed for filing final report for these offences is three years. The First Information Report was registered on 31.03.2020. Till now, final report is not filed. Thus, this petition.

3.The learned Government Advocate (Criminal Side) appearing for the respondent conceded that final report is not filed so far.

4.As rightly pointed out by the learned counsel for the petitioner that, the offence under Section 294 (b) I.P.C. is punishable with imprisonment which may extend to three months or with fine or with both. The offence under Section 324 I.P.C is punishable with imprisonment which may extend to three years or with fine or with both. Similarly, the offence under Section 4 of the TN Prohibition of Harassment of Women Act, 2002, is punishable with imprisonment which may extend to three years and with fine, which shall not be less than Rs.10,000/-.

5.The final report ought to have been filed within three years from the date of 31.03.2020. However, it appears that final report is not filed in this case so far. Therefore, this Court finds merits in the submission of the learned



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counsel for the petitioner that even if the final report is filed, there is a bar under Section 468 Cr.P.C for taking cognizance of the offences. Therefore, this Court is inclined to quash the First information Report in Crime No.70 of 2020 on the file of the respondent Police.

6.Accordingly, this Criminal Original Petition is allowed.

09.06.2023

Internet: Yes
Index: Yes/No
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To:

- 1.The Inspector of Police,
Somangalam Police Station,
Kanchipuram District.
- 2.Inspector of Police,
R.K.Pet Police Station,
Thiruvallur District.



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G.CHANDRASEKHARAN, J.
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