



WEB COPY



Crl.OP.No.13084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13084 of 2023

1. Sathiyamoorthy
2. Sivaraj
3. Ruban

... Petitioners

Vs.

1. The Inspector of Police,
J-8 Neelankarai Police Station,
Chennai.

2. Suresh

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the record relating to the proceedings in Crime No.651 of 2019 on the file of the 1st respondent and quash the same.

For Petitioner

: Mr.P.Surendran

For R1

: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the record relating to the proceedings in Crime No.651 of 2019 on the file of the 1st respondent and quash the same.

2. The learned counsel for the petitioners submitted that, petitioners are accused in Crime No.65 of 2019 registered for the offence under Sections 341, 394(b), 323, 506(1) of IPC. All these offences are punishable with less than two years of imprisonment, final report ought to have been filed within a period of three years from the date of commission of the offence. However, in this case, despite the completion of three years, final report is not filed. There is a bar under section 468 of Cr.P.C for taking cognizance of the offences. Therefore, he prays for quashing the FIR in Crime No.651 of 2019.

3. The learned Government Advocate (Crl. Side) submitted that, investigation in this case is completed and final report will be filed in due course.



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4. Considered the rival submission and perused the records. It is seen that, FIR was registered for the offence under Sections 341, 394(b), 323, 506(1) of IPC and they are punishable as follows:

Offences	Punishment
341 of IPC	simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both
394(b) of IPC	imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.
323 of IPC	Imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or both
506(1) of IPC	Imprisonment of either description for a term which may extend to two years or with both

Section 468 of Cr.P.C., deals with bar to taking cognizance after lapse of the period of limitation. As per section 468(2) of Cr.P.C., of the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years, period of limitation for taking cognizance of the offence is three years.



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5. In the present case, FIR was registered on 28.09.2019. Even after completion of three years, final report is not filed in this case. Even if it is filed now, there is a bar under Section 468 of Cr.P.C for taking cognizance of the offence. Therefore, this Court is inclined to quash the FIR in Crime No.651 of 2019 as against the petitioners.

6. Accordingly, this Criminal Original Petition is Allowed. FIR in Crime No.651 of 2019 as against the petitioners is hereby quashed.

14.06.2023

Sma

To

1. The Inspector of Police,
J-8 Neelankarai Police Station,
Chennai.
Chengalpattu District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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