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Crl.O.P.No.20990 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20990 of 2021 and
Crl.M.P.No.11386 of 2021

N.Ramakrishnan

... Petitioner

-Vs-

1) The State Rep. by Inspector of Police,
Sulur Police Station,
Sulur,
Coimbatore District.

2) W.Soundarrajan

3) A.Abishapushpam

4) A.Anishachristy

5) A.John Bosco

6) A.Abiraham Lincon

7) D.Mariyapushpam

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the proceeding in C.C.No.61 of 2021 pending on the file of the learned Judicial Magistrate, Sulur and quash the same.



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For Petitioner : Mr.S.Suresh

For Respondent 1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Respondent 2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.61 of 2021 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District having been taken cognizance for the offences punishable under Sections 279, 304(A) of IPC of IPC.

2. Though notice was served to the 2nd respondent, no one is appeared on behalf of the 2nd respondent in person or by pleader.

3. The case of the prosecution is that the 2nd respondent is working as the Security in a hotel located at Neelambur, Coimbatore-Avinashi Road. In the said hotel one, Arockiyadoss was working as security. On 03.03.2014 when Arokiyadoss was clearing the traffic in front of the hotel, one Government Bus bearing Registration No.TN-30-N-1081 which was driven by the petitioner came in a rash and negligent manner and dashed against the petitioner. The said Arockiyadoss died on the spot, in which the 2nd respondent lodged a



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complaint and a case was registered by the 1st respondent under sections.279,304(A) of IPC in Cr.No.135 of 2014. After completion of investigation final report was filed by the 1st respondent and taken cognizance in C.C.No.61 of 2021 by the learned Judicial Magistrate, Sulur, Coimbatore District.

4. The learned counsel for the petitioner submitted that on the date of accident itself the first respondent registered FIR in Cr.No.135 of 2014 for the offences under section 279, 304(A) of IPC. However, final report was made ready on 13.05.2014 and it filed before court concerned only on 31.03.2021. Therefore six years have been barred by limitation. The Trial Court ought to have taken cognizance on the belated final report filed by the 1st respondent. That apart, the petitioner has also filed a copy application before the Trial Court for certified copy of condone delay petition and the same was returned for the reason that no condone delay petition was filed by the 1st respondent for filing final report.

5. The learned Government Advocate (Crl.Side) submitted that though



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the final report was filed before the Trial Court on 31.03.2021. The learned Judicial Magistrate was also put his signature with date i.e., on 31.03.2021. As per the alleged offence, the 1st respondent ought to have filed the Charge Sheet within a period of three years from the date of registration of FIR as limitation under the provision contemplated under section 468 of Cr.P.C.

6. In the case on hand, the 1st respondent filed final report after lapse of seven years from the date of registration of FIR. As per Section 468 of Cr.P.C, the 1st respondent have failed to file the charge sheet within a period of three years from the date of registration of FIR. That apart, the 1st respondent also failed to invoke the provision under section 471 of Cr.P.C by filing condone delay petition, for filing final report with delay. Therefore the Trial Court ought not to have taken cognizance in the time barred final report.

7. Therefore, the entire proceedings initiated as against this petitioner cannot be sustained and the same is liable to be quashed. Accordingly, the proceedings in C.C.No.61 of 2021 pending on the file of the learned Judicial Magistrate, Sulur is quashed as against the petitioner and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is



closed.

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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

gvn

G.K.ILANTHIRAIYAN, J.

gvn



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To

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1. The Judicial Magistrate,
Sulur
2. The Inspector of Police,
Sulur Police Station,
Sulur,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

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