



Crl.O.P.No.14398 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.06.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14398 of 2023

and

Crl.M.P.No.8927 of 2023

1. Karthik
2. Baisal
3. Abdul Kani

...Petitioners

Vs.

1. State represented by its
The Inspector of Police,
J-2, Adyar Police Station,
Adyar,
Chennai.
Crime No.374 of 2018

2. Jayachandran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records comprised in FIR in Crime No. 374 of 2018 dated 28.06.2018 pending on the file of first respondent, The Inspector of Police, J-2 Adyar Police Station, Adyar, Chennai and quash the same against the petitioner/Accused 1-3.

For Petitioners : Mr.M.Vimal Bobby Crimson
For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER



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This Criminal Original Petition has been filed calling for the entire records in FIR in Crime No.374 of 2018 dated 28.06.2018 pending on the file of first respondent, The Inspector of Police, J-2 Adyar Police Station, Adyar, Chennai and quash the same against the petitioner/Accused 1-3.

2. It is the submission of the learned counsel for the petitioner that the petitioner is an accused in Crime No.374 of 2018 registered for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. FIR has been challenged mainly on the ground that though the FIR was registered, so far the investigation has not been completed and final report is not filed and thus the offences are barred by limitation under Section 468 of Cr.P.C.

3. In response, the learned Government Advocate (Criminal side) submitted that the investigation in this case is completed and final report will be filed soon.

4. Considered the rival submissions and perused the records.

5. Since the learned counsel for the petitioner challenges this petition only



on the ground of limitation, this Court on going through the provision found that

Section 3(2)(a) of Immoral Traffic Prevention Act, 1956, is punishable on first conviction with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which may extend to five years and also with fine.

6. Section 4(1) of Immoral Traffic Prevention Act, 1956 is punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with boths [and where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years].

7. Section 5(1)(a) of Immoral Traffic Prevention Act, 1956 is punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend



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to imprisonment for a term of fourteen years. Therefore, the submission of the learned counsel for the petitioner that the offences are punishable with less than three years and taking cognizance is barred under Section 468 Cr.P.C is not correct. Thus, the plea for quashing of FIR on the ground of limitation cannot be entertained. That apart, the investigation in this case is completed and final report will be filed soon.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

27.06.2023

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Index: Yes/No

Speaking Order: Yes/No



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To

1. The Inspector of Police,
J-2, Adyar Police Station,
Adyar,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,



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