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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16890 of 2023

Mr.Sasidharan

Petitioner

VS.

1.State By: The Inspector of Police,
G1-Vepery Police Station,
Jermiah Road, Vepery,
Periyamet, Chennai – 600 007.

2.Mr.Rajendran

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.1208 of 2015 on the file of G1 Vepery Police Station, Chennai filed under Section 294(b) of IPC, 1860.

For Petitioners : Mr.Rahul Jagannathan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R1

ORDER

This petition has been filed to quash the FIR in Crime No.1208 of 2015

<https://www.mhc.tn.gov.in/judis>

pending investigation before the 1st respondent police.



2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The FIR has been registered for the offence under Section 294(b) of IPC and the investigation has not been completed till date. The FIR was registered in the year 2015. The FIR is liable to be interfered by this Court on two grounds. The first ground is that offence under Section 294(b) of IPC is non-cognizable and hence, an FIR cannot be registered without complying with the mandate under Section 155(2) of Cr.P.C. The second ground is that the maximum punishment for Section 294(b) of IPC is three months. Since the final report has not been filed till date, there is a bar under Section 468 of Cr.P.C., to take cognizance of the same.

4. In view of the above, FIR in Crime No.1208 of 2015 pending on the file of the 1st respondent police is hereby quashed.

5. In the result, this criminal original petition stands allowed.

27.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr



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1. The Inspector of Police,
G1-Vepery Police Station,
Jermiah Road, Vepery,
Periyamet, Chennai – 600 007.

2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.

ssr

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