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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16669 of 2023
and Crl.M.P No.10657 of 2023

Marimuthu

Petitioners

VS.

1.State By: The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.
(Crime No.44 of 2016)

2.Narendhiran

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings concerned in Crime No.44 of 2016 on the file of Inspector of Police, Arambakkam Police Station, Thiruvallur District.

For Petitioner : Mr.S.Sasikumar

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

ORDER

This petition has been filed seeking to quash the FIR in Crime No.44 of 2016
pending on the file of the 1st respondent.



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

3. The FIR was registered in the year 2016 for the offence under Sections 294(b) and 324 of IPC. The offence under Section 294(b) of IPC is punishable with a maximum imprisonment of three months and offence under Section 324 of IPC is punishable with a maximum imprisonment of three years. In view of the same, the final report has to be filed within a period of three years failing which, it will be barred under Section 468 of Cr.P.C.

4. The learned Additional Public Prosecutor submitted that no final report has been filed till date. Therefore, even if a final report is filed in this case, the Court below cannot take cognizance of the final report in view of the bar under Section 468 of Cr.P.C. Considering the facts of the case, there is no necessity to invoke Section 473 of Cr.P.C. The continuation of the investigation in Crime No.44 of 2016 will only lead to an abuse of process of law which requires the interference of this Court.

5. In view of the above, FIR in Crime No.44 of 2016, pending investigation on the file of the 1st respondent is hereby quashed.



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6. This Criminal Original Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed.

26.07.2023

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

To

1. The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

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



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N. ANAND VENKATESH,. J.

SSR

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