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Crl.O.P.No.17244 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17244 of 2023
and Crl.M.P.No.11169 of 2023

Ramasamy

.. Petitioner

Versus

State, represented by
The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
(Crime No.141 of 2018)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.141 of 2018 on the file of the respondent.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This petition has been filed to quash the F.I.R in Crime No.141 of 2018 pending investigation before the respondent Police.



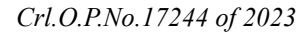
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2. The case of the prosecution is that the petitioner was involved in transporting clay in a lorry and the same was intercepted and an F.I.R came to be registered on 14.06.2018 in Crime No.141 of 2018 for offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3. The learned Additional Public Prosecutor submitted that no Final Report has been filed till date.

4. The offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 is punishable for a maximum imprisonment of two years. In view of the same, the Final Report ought to have been filed within a period of three years, failing which, the concerned Court cannot take cognizance of the Final Report in view of the bar under Section 468 of Cr.P.C. Accordingly, even if a Final Report is filed today, it cannot be taken cognizance by Court below due to the bar imposed under Section 482 of Cr.P.C. That apart, the facts of this case does not warrant an order to be passed under Section 473 of Cr.P.C., to condone the delay.



04.08.2023

To

1. The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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