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CrI.O.P.No.18746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

**CrI.O.P No.18746 of 2023**

**and**

**CrI.M.P.No.12486 of 2023**

1.Nelson  
2.D.Anitha

...Petitioner

vs.

1.The State rep by  
The Inspector of Police,  
Poonamallee Police Station,  
Chennai District  
Crime No.383 of 2017

2.Gowri

...Respondent

**PRAYER:**

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the crime No.383 of 2017 on the file of the Inspector of Police, Poonamallee Police Station, Chennai District and to quash the same.

For Petitioners : Mr.C.Prabakaran  
For Respondents : Mr.A.Damodaran,  
Additional Public Prosecutor for R1  
Mr.R.M.Srinivas, for R2



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**ORDER**

This criminal original petition has been filed to quash the FIR in Crime No.383 of 2017 pending on the file of the first respondent.

2. The petitioners had filed an earlier quash petition in CrI.O.P.No.19180 of 2020 and the said petition came to be closed by an order dated 13.09.2022 on the basis that the investigation has been completed and the final report has already been filed. Thereafter, the petitioner filed copy application before the concerned Court and the petitioner was informed that no such final report has been filed. In view of the same, the present quash petition has been filed before this Court.

3. The FIR has been registered for offence under Sections 294(b), 323 and 506(i) of IPC. The maximum imprisonment for offence under Section 294(b) is a period of 3 months. The maximum imprisonment for offence under Section 323 of IPC is a period of 1 year. The maximum imprisonment for offence under Section 506(i) is a period of 2 years. In view of the same, the final report ought to have been filed within a period of 3 years, failing which there is a bar in taking cognizance of the final report by virtue of Section 468(2)(c) of CrPC. Hence, even if the final report is filed by the respondent



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police, it will be barred under Section 468(2)(c) of CrPC.

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4. In view of the above discussion, the FIR in Crime No.383 of 2017 is quashed. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

22.08.2023

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

To

1.The Inspector of Police,  
Poonamallee Police Station,  
Chennai District  
Crime No.383 of 2017

2.The Public Prosecutor,  
Madras High Court,  
Chennai 600 104..



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**N. ANAND VENKATESH, J.**

nsa

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**22.08.2023**