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Crl.O.P.No.17640 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17640 of 2023
and Crl.M.P.No.11568 of 2023

Nabeel

.. Petitioner

Versus

The State Rep. by.,
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
(Crime No.1165 of 2021)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records F.I.R in Crime No.1165 of 2021, dated 10.08.2021 on the file of the respondent Police and quash the same as against the petitioner.

For Petitioner : M/s.H.Thameen Ansari

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

ORDER

This petition has been filed seeking to quash the F.I.R in Crime No.1165 of 2021 pending on the file of the respondent Police.



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2. The case of the prosecution is that the accused persons were playing Snooker during the pandemic period and were also playing the game by betting. Accordingly, the F.I.R came to be registered for the offences under Sections 45 and 46 of Tamil Nadu City Police Act, 1888 and Section 3 of the Epidemic Diseases Act, 1897.

3. Heard M/s.H.Thameen Ansari, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondent.

4. The case in hand is squarely covered by the order passed by this Court in Crl.O.No.17118 of 2022, dated 26.07.2022 and for proper appreciation, the relevant portions are extracted hereunder:-

" 5. It is to be noted that the accused have been charged for the offences under Sections 45 and 46 of the Tamil Nadu City Police Act.

Section 45 of Tamil Nadu City Police Act attracts maximum punishment of fine not exceeding five hundred rupees, or imprisonment not exceeding three months, or to both.

As per Section 46 of the act; the maximum punishment is fine not



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exceeding two hundred rupees or to imprisonment not exceeding one month;

Section 81 City Police Act reads as follows;

81.Limitation of Actions: On account of [anything done or intended to be done under the provision of this act, or under the provisions of any other law for the time being in force conferring powers on the police], no action shall be brought after the expiration of six months, and no prosecution shall be instituted after the expiration of three months, from the date on which the act complained of shall have been committed. And no action shall lie in respect of any act on account of which a criminal prosecution [has been instituted and has failed]

6. Therefore, any act committed under the above said Act, the prosecution should have been initiated within three months from the date on which the act complained of shall have been committed. It also makes it clear that no action shall be brought after expiry of six months.

7. Section 468 Cr.P.C. makes it is clear that;

(2) The period of limitation shall be;

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;



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(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

8. Such being the act, this prosecution is for the offence took place on 26.05.2019 and that the final report has not been filed. The contention of the learned Government Advocate (Crl. Side) is that the final report was filed on 16.03.2021 and it has not been taken on file. Even assuming that such final report is filed, it is absolutely barred by limitation. Accordingly, no useful purpose would be served in filing the final report also."

5. The learned Additional Public Prosecutor submitted that no Final Report has been filed in this case till date. In view of the same, even if the Final Report is filed, it will be barred under Section 468 of Cr.P.C. Accordingly, the F.I.R in Crime No.1165 of 2021 pending on the file of the respondent Police is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To
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1. The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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