



Criminal Original Petition No.21053 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.21053 of 2022

and

Crl.M.P.Nos.13729 & 18083 of 2022

1.Mohanraj @ Malariniyan
S/o.Mariyappan

2.Gunasekaran
S/o.Palanisamy

...Petitioners

Vs

1.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
Crime No.718 of 2012

2.M.Veerappan
S/o.Malaiyappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in connection with C.C.No.472 of 2017 on the file of Judicial Magistrate I, Udumalpet and quash the same.



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For Petitioners : Mr.C.Sivakumar

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side][R1]

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.472 of 2017 on the file of Judicial Magistrate I, Udumalpet.

2. Heard Mr.C.Sivakumar, learned counsel for petitioners and Mr.A.Gopinath, learned Government Advocate [Crl.side] appearing for first respondent.

3. The First Information Report was registered against the petitioners for offences u/s.295-A and 505(i)(b) IPC in Crime No.718 of 2012. Such a First Information Report came to be registered on the ground that the petitioners were involved in distributing pamphlets which contained incriminating contents affecting the sentiments of persons believing in Hindu faith. Offence u/s.295-A IPC is punishable with maximum imprisonment of three years and the offence u/s.505(i)(b) IPC is also punishable with maximum imprisonment of three years. In view of the



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same, the final report ought to have been filed within a period of three years u/s.468 Cr.P.C. However, the final report has been filed only in the year 2017 and the Court below has taken cognizance of the same without invoking Section 473 Cr.P.C. and passing orders. Such cognizance is barred u/s.468 Cr.P.C. This ground is enough to interfere with the proceedings pending before the Court below.

In the light of the above discussion, this Criminal Original Petition is allowed and the proceedings in C.C.No.472 of 2017 on the file of Judicial Magistrate I, Udumalpet, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

24.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



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gm

To

- 1.The Judicial Magistrate I,
Udumalpet.
- 2.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
Crime No.718 of 2012
- 3.The Public Prosecutor,
High Court, Madras.

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