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Crl.OP.No.26203 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.23206 of 2021
and Crl.MP.Nos.12712 & 12713 of 2021

Gowrisankar

... Petitioner

Vs.

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District

2.K.Asaithambi

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records relating to the first information report in STC.No.1076/2018 on the file of the learned Judicial Magistrate No.1, Namakkal, Namakkal District and to quash the same insofar as the petitioner is concerned.

For Petitioner : No appearance

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(Crl.side)

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC.No.1076/2018 on the file of the learned Judicial



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Magistrate No.1, Namakkal, Namakkal District, thereby taken cognizance for the offences under Sections 8 and 9 r/w 4 of Tamilnadu Gaming Act.

2. The case of the prosecution is that the second respondent along with his team, on receipt of secret information, visited and checked the Muthamil Narpani Mandram which is situated at Natarajapuram, Namakkal District. At that time, the accused persons were playing cards betting money illegally. Therefore, the second respondent lodged complaint and the same was registered in crime No.122 of 2013 for the offence under Sections 8 and 9 r/w 4 of Tamilnadu Gaming Act. After completion of investigation, the first respondent filed final report and the same has been taken cognizance by the trial court in STC.No. 1076 of 2018.

3. On perusal of records, revealed that FIR was registered on 10.02.2013. Whereas the first respondent completed investigation and filed final report only on 10.07.2014. However, it was returned for some corrections. Thereafter, it was not re-presented immediately and the same was re-presented only after four years. i.e. on 01.07.2018. Therefore, the trial court ought not to have taken cognizance since the final report is barred by



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limitation. The offences are punishable for period of one year and as such the first respondent ought to have filed final report within a period of one year from the date of registration of FIR. It is relevant to extract the provision under Section 468 of Cr.P.C. hereunder:

468. Bar to taking cognizance after lapse of the period of limitation

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub- section (2), after the expiry of the period of limitation.

(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;

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

(3) For the purposes of this section, the period of limitation in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.

4. Thus, it is clear that the first respondent ought to have filed final



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report within a period of one year from the date of registration of FIR.

However, the first respondent re-presented the charge sheet only on 01.07.2018. Therefore, the entire proceedings is vitiated on the ground of barred by limitation and the same is liable to be quashed.

5. Accordingly, the entire proceedings in STC.No.1076 of 2018 on the file of the learned Judicial Magistrate No.1, Namakkal, Namakkal District is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

09.11.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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To

- 1.The learned Judicial Magistrate No.1,
Namakkal, Namakkal District
- 2.The Inspector of Police,
Namakkal Police Station,
Namakkal District
- 3.The Government Advocate,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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