



Crl.O.P.No.19450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.19450 of 2023
and Crl.M.P.Nos.13118 and 13119 of 2023**

1. Paramasivam
2. Jaishankar
3. Govindharaj
4. Prabhu
5. Gunasekaran
6. Prabhu
7. Ekambaram
8. Manikandan
9. Ashok Kumar
10. Surendar
11. Babu
12. Elangovan
13. Aasaithambi
14. Vivek
15. Saravanan
16. Kadiravan
17. Ramesh
18. Ravikumar
19. Vishwasam
20. Shanmugam
21. Karthik
22. Chakkaravarthy
23. Praveenkumar
24. A.P.M.Samson

.. Petitioner

Versus



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State rep by,
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 040.

1. Balasubramaniam.M,
Sub-Inspector of Police - 83,
Anna Nagar Police Station,
Chennai - 600 040.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.1391 of 2020 on the file the learned V Metropolitan Magistrate, Egmore, Chennai, quash the same.

For Petitioners : Mr.N.R.Elango, Senior Counsel
for M/s.A.S.Aswin Prasanna

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

This petition has been filed to quash the proceedings pending in C.C.No.1391 of 2020 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

2. The case of the prosecution is that on 06.11.2019 at about 15.15 hours, the accused persons had gathered at a particular place without getting the prior permission of the Commissioner of Police and had burnt the effigy of a Minister. Based on this, an F.I.R came to be registered for offences



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under Sections 143 and 285 of I.P.C. On completion of the investigation, the Final Report was filed before the Court below and the same has been taken on file in C.C.No.1391 of 2020 by taking cognizance for offences under Sections 143 and 285 of I.P.C.

3. Heard Mr.N.R.Elango, learned Senior Counsel for the petitioners and Mr.A.Gopinath, learned Government Advocate (Crl. Side) for the respondents.

4. The F.I.R was registered on 06.11.2019 and the offences under Sections 143 and 285 of I.P.C are punishable with a maximum punishment of six months imprisonment. Hence, the Final Report ought to have been filed within a period of one year. However, the Final Report was filed only on 22.07.2022 after two years and eight months. There is a bar in taking cognizance of the Final Report under Section 468 of Cr.P.C., and inspite of the same, the Court below has taken cognizance of the Final Report. There is also no indication that any order was passed under Section 473 of Cr.P.C., condoning the delay. Hence, the proceedings itself is vitiated and it requires the interference of this Court.



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5. In the light of the above discussion, the proceedings in C.C.No.1391 of 2020 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai is quashed in entirety and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

31.08.2023

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

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 040.
3. Balasubramaniam.M,
Sub-Inspector of Police - 83,
Anna Nagar Police Station,
Chennai - 600 040.
4. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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