



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20149 of 2023
and Crl.M.P.No.13722 of 2023

Ramkarthick

... Petitioner

Vs.

1.The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.866 of 2017

2.Shanthi

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR pending on the file of the 1st respondent police in Crime No.866 of 2017 dated 09.10.2017.

For Petitioners : Mr.M.Arun
for M/s.Karan and Uday

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



ORDER

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This criminal original petition has been filed to quash the FIR in Crime No.866 of 2017 pending investigation on the file of the 1st respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3.The case of the prosecution is that the deceased was driving a moped bike and on 06.10.2017 at about 8.15 a.m., he dropped the defacto complainant in the bus stop and went to the petrol bunk and after filling petrol in the vehicle, he was going from east to west at Palladam to Chettipalayam Road and the car that was driven by the petitioner is said to have dashed on the back of the two wheeler and the deceased fell down and sustained multiple injuries. Ultimately, the deceased died. An FIR came to be registered in Crime No.866 of 2017 under Section 279 and 304A of IPC.

4.The main ground on which the present petition has been filed before this Court is that even after a lapse of six years, the respondent police has not chosen to file a final report in this case and hence, there is a bar under Section 468 of Cr.P.C. In view of the



same, this Court directed the learned Additional Public Prosecutor to produce the Case Diary.

5.This Court carefully went through the Case Diary and it is seen that the deceased was driving the two wheeler and the car had hit him on the back of the two wheeler and as a result, deceased lost his balance and fell down and he sustained grievous injuries. Even, the postmortem report that is available in the Case Diary shows that the deceased died due to multiple injuries sustained by him and its complications.

6.It is true that the final report ought to have been filed within a period of three years, since the maximum punishment that is provided for offence under Section 304A is two years. However, the period of limitation that has been provided under Section 468 of Cr.P.C., can always be condoned by the concerned Court in exercise of its jurisdiction under Section 473 of Cr.P.C. Considering the facts and circumstances of the case, this Court is not inclined to quash the FIR on the ground of limitation.

7.In view of the above discussion, there shall be a direction to the 1st respondent to file a final report before the concerned jurisdictional Court, within a period of four weeks from the date of receipt of copy of this order. The 1st respondent shall also file an



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application under Section 473 of Cr.P.C., to condone the delay. The Court below is directed to take into consideration the facts and circumstances of the case and the reason assigned for the delay and whether the facts of the case deserves condonation of delay and if the delay is condoned the final report shall be taken on file and process shall be issued. If the Court below is not satisfied with the reason and is not inclined to condone the delay, the final report shall be closed as barred under Section 468 of Cr.P.C. This process shall be completed by the concerned Court, within a period of four weeks from the date of the filing of the final report by the 1st respondent.

8.This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

07.09.2023

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

To

1.The Inspector of Police,
Sulur Police Station,
Coimbatore District.



2. The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH, J

SSR

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