



Crl.O.P.No.21659 of 2023

In the High Court of Judicature at Madras

Dated : 21.9.2023

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.21659 of 2023
& Crl.M.P.No.14968 of 2023

Ashok

...Petitioner

Vs

1.The State rep.by
The Sub-Inspector of Police,
B2 Esplanade Police Station,
Flower Bazaar, Chennai-104.

2.K.K.N.Ganesan

...Respondents

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records relating to the first information report in Crime No.280 of 2019 on the file of the first respondent for the alleged offences under Sections 294(b) and 506(ii) of the Indian Penal Code so far as it relates to the petitioner/accused is concerned and and quash the same.

For Petitioner : Mr.K.Balakrishnan
For Respondent-1 : Mr.A.Gopinath, GA (Crl.Side)

ORDER

This petition has been filed by the petitioner seeking to



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quash the records relating to the first information report in Crime No.280 of 2019 on the file of the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The case of the prosecution is that the petitioner had made phone calls to the defacto complainant and had threatened the defacto complainant. Based on the complaint given by the 2nd respondent, the FIR came to be registered in the year 2019 for offence under Section 294(b) and 506(ii) of IPC.

4. The learned Government Advocate submitted that the investigation is pending and no final report has been filed.

5. Even if the contents of the FIR are taken as it is, at the best the offence under Section 294(b) and 506(i) alone is made out. In such a case, the final report ought to have been filed within a period of three years, failing which, there is a bar in taking cognizance of the



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final report under Section 468 (2) (c) of Cr.PC. The FIR has been pending for more than 3 ½ years and no final report has been filed till date. That apart, considering the nature of allegation made in the complaint, this case can be brought within the scope of Section 95 of IPC.

6. In the light of the above discussion, the FIR in Crime No.280 of 2019, is hereby quashed and this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Index : Yes (or) No
Neutral Citation : Yes (or) No
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To
1.The Sub-Inspector of Police,
B2 Esplanade Police Station,
Flower Bazaar, Chennai-104.
2.The Public Prosecutor,
High Court, Madras.



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