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Crl.O.P.No.21661 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.21661 of 2023
& Crl.M.P.No.14971 of 2023

Ashok

...Petitioner

Vs

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

2.Y.Mohanasundari

...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.300 of 2019 pending on the file of the first respondent for the alleged offences under Sections 341, 323, 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)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.300 of 2019 on the file of first respondent.

2. Heard Mr.K.Balakrishnan, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate appearing for first respondent.

3. The First Information Report has been registered for offences u/s.341, 294(b), 323 and 506(i) IPC. Those offences are punishable in the following manner:

<i>Sl.No.</i>	<i>Alleged Offence u/s.</i>	<i>Punishment</i>
1.	341 IPC	Imprisonment for one month or fine of Rs.500 or with both.
2.	323 IPC	Imprisonment for one year and fine of Rs.1000 or with both.
3.	294(b) IPC	Imprisonment for three months or fine or with both.
4.	506(i) IPC	Imprisonment for two years or fine or with both.



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4. Learned Additional Public Prosecutor, on instructions, submitted that no final report has been filed till date.

5. The offences for which the First Information Report has been registered is punishable with a maximum imprisonment of three years and in which case, the final report must be filed within a period of three years as provided u/s.468(2)(c) Cr.P.C. It is nearly four years since the First Information Report was registered and therefore, even if a final report is filed, it cannot be taken cognizance in view of the bar u/s.468 Cr.P.C. Therefore, no useful purpose will be served in keeping the investigation pending.

In the light of the above discussion, this Criminal Original Petition is allowed and the First Information Report in Crime No.300 of 2019 on the file of first respondent is hereby quashed. Consequently, the connected miscellaneous petition is closed.



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Index : Yes (or) No

Neutral Citation : Yes (or) No

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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N.ANAND VENKATESH,J

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