



Criminal Original Petition No.1346 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Criminal Original Petition No.1346 of 2022**

Felix Johnson Kumar  
S/o.Sebastian

...Petitioner

Vs

The State of Tamil Nadu  
represented by  
The Sub-Inspector of Police,  
Guduvancherry Police Station,  
Chennai.  
Crime No.34 of 2020

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to the case in Crime No.34 of 2020 on the file of respondent and quash the same insofar as the case against this petitioner/A4 is concerned.

For Petitioner : Mr.K.Rajasekaran

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

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**ORDER**

This petition has been filed seeking to quash the investigation in Crime No.34 of 2020 pending investigation on the file of the respondent police.

2. Heard Mr.K.Rajasekaran, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. A complaint was given by a police officer on 14.01.2020 to the effect that when the police officers were on duty at Urapakkam bus stand, there was a traffic jam, as a result, the police personnel were involved in clearing the traffic. At that point of time, a bus driven by A1 was intercepted and A1 to A4 are said to have abused the police personnel in filthy language and had prevented them from doing their duty and also criminally intimidated them. It is under these circumstances, the complaint was given and a FIR came to be registered in Crime No.34 of 2020.



4. Learned Additional Public Prosecutor, on instructions, submitted that the investigation has not been completed in this case. The maximum punishment for offence under Section 294(b) IPC is 3 months simple imprisonment; for offence under Section 323 IPC it is one year imprisonment; for offence under Section 353 IPC it is 2 years imprisonment; and for offence u/s.506(i) IPC it is 2 years imprisonment.

5. Section 468 Cr.P.C. reads as follows:

**'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 a 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.'



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6. It is clear from the above that insofar as offences that are covered in the present FIR, the investigation ought to have been completed within three years and only then, the Court could have taken cognizance of the offence. This period of limitation came to an end in January'2023. It is true that Section 473 Cr.P.C. provides for extension of time of limitation based on the nature of allegation made in the complaint. This Court does not find the allegations to be too serious and the entire incident had taken place in a spur of the moment. Therefore, there is no occasion to extend the period of limitation in this case. Hence, even if the investigation is completed and final report is filed before the concerned Court, the concerned Court cannot take cognizance due to the bar under Section 468 Cr.P.C.

In the light of the above, this Criminal Original Petition is allowed and the proceedings in Crime No.34 of 2020 on the file of respondent are hereby quashed.

**03.07.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral citation: Yes/No  
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To  
WEB COPY

- 1.The Sub-Inspector of Police,  
Guduvancherry Police Station,  
Chennai.  
Crime No.34 of 2020
- 2.The Public Prosecutor,  
High Court, Madras.



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**N.ANAND VENKATESH, J**

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