



Crl.O.P.No.21544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.21544 of 2023
and Crl.M.P.Nos.14831 and 14832 of 2023**

Abiragam

.. Petitioner

Versus

**1. The State represented by,
The Inspector of Police,
Thuraipakkam Police Station,
Chennai. (Crime No.459 of 2020)**

2. Suyam Prakasam

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C.No.540 of 2023 pending on the file of the learned Judicial Magistrate No.II, Alandur and quash the same as against this petitioners.

For Petitioner : Mr.R.Vivekananthan

**For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side),
for R1**



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ORDER

This petition has been filed to quash the proceedings pending in S.T.C.No.540 of 2023 on the file of the learned Judicial Magistrate No.II, Alandur.

2. The case of the prosecution is that on 20.06.2020 at about 1.35 A.M, there was a fire accident in the factory and as a result, all the raw materials that were stored were damaged. Ultimately, the fire services had managed to douse off the fire. Based on a complaint given by one of the staff belonging to the factory, the F.I.R was registered in Crime No.459 of 2020 on 20.06.2020 for offences under Sections 285 and 336 of I.P.C. On completion of investigation, the Final Report has been filed as against three accused persons and the same has been taken cognizance by the Court below for offences under Sections 285 and 336 of I.P.C. Aggrieved by the same, the present petition has been filed by the petitioner (A3) to quash the proceedings.



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3. Heard Mr.R.Vivekananthan, learned Counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) for the first respondent.

4. The offence under Section 285 of I.P.C is punishable for a maximum sentence of six months. The offence under Section 336 of I.P.C is punishable for a maximum sentence of three months. In view of the same, the Final Report ought to have been filed in this case within a period of one year as provided under Section 468 of Cr.P.C. The Final Report in this case has been filed only on 03.06.2023 much beyond the period of limitation. The Court below has taken cognizance of the Final Report inspite of the bar and without condoning the delay under Section 473 of Cr.P.C. In view of the same, the entire proceedings is vitiated and is liable to be interfered by this Court.

5. In the light of the above discussion, the proceedings in S.T.C.No.540 of 2023 pending on the file of the learned Judicial Magistrate No.II, Alandur is quashed in entirety and this Criminal Original Petition



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stands allowed. Consequently, connected miscellaneous petitions are closed.

26.09.2023

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

To

1. The Judicial Magistrate No.II,
Alandur.
2. The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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