



Crl.O.P.No.24718 of 2023
& Crl.M.P.Nos.17206 & 17207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.11.2023

Coram:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.OP.No.24718 of 2023
& Crl.M.P.Nos.17206 & 17207 of 2023

1. S.Venkatesn
2. V.Chandra

... Petitioners/ 1st & 2nd Accused

/versus/

1. The State Rep. by,
The Sub-Inspector of Police,
K-5, Peravallur Police Station,
Chennai – 600 082.
(in Crime No.1392 of 2014).

... Respondent/Complainant

2. Mr.M.Vijayakumar.

... Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleaded to call for the records pertaining to the case in C.C.No.355 of 2022 on the file of the Learned V Metropolitan Magistrate, Egmore and quash the same as against the petitioners as illegal and abuse of process of law.

For Petitioner : Mr.S.R.Karthikeyan

For R1 : Mr.S.Udaya Kumar,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to quash the C.C.No.355 of 2022, on the file of V Metropolitan Magistrate, Egmore.

2. The short point involved in this petition is that for the alleged incident took place on 13.07.2014, the police has registered the F.I.R on the same day. However, the final report filed on 02.02.2022 for the offence under Section 294(b) and 324 of I.P.C, the trial Court has taken cognizance of the offence and had taken it on file by assigning C.C.No.355 of 2022. It is contented that the trial Court has taken cognizance beyond the period of limitation prescribed under Section 468 of Cr.P.C. Hence, the petition has to be quashed.

3. Section 294(b) and 324 of I.P.C are the charges against these petitioners. While 294 (b) of I.P.C is punishable with 6 months imprisonment and Section 324 of I.P.C is punishable with maximum period of 3 years imprisonment. However, in this case, the Magistrate has taken cognizance only after 6 years of reporting incidents without assigning reason for taking cognizance beyond the



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period of limitation. Hence, the petition has to be quashed. Accordingly, *the Criminal Original Petition is allowed.* Consequently, connected Miscellaneous Petitions are closed.

07.11.2023

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Learned V Metropolitan Magistrate, Egmore.
2. The Sub-Inspector of Police,
K-5, Peravallur Police Station,
Chennai – 600 082.
3. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN, J.

bsm

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