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Crl.O.P.No.31199 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**Crl.O.P.No.31199 of 2019**

**and**

**Crl.M.P.Nos.17013 & 17014 of 2019**

1.K.Remesh Babu

2.Sheela

... Petitioners

Vs.

1.State Rep. by  
The Inspector of Police,  
N-3, Muthialpet Police Station,  
Chennai-1.

2. Shanthi

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in respect of the case in C.C.No.1646 of 2019 on the file of the XVI Metropolitan Magistrate, Geogre Town, Chennai and quash the same.

For Petitioners : M/s.D.Rajagopal

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor, [R.1]  
: Mr.J.Stanlin [R.2]



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## **ORDER**

The petition is to quash the final report filed for the offences under Section 341, 294(b), 506(i) IPC & Section 4 of Tamil Nadu Prevention of Women Harassment Act 2002.

2. It is alleged in the final report that the petitioners and the 2nd respondent are neighbours; that the petitioners abused the 2nd respondent in filthy language.

3. The learned counsel for the petitioners would submit that the allegations would not constitute any of the offences alleged. In any event, the maximum sentence provided for the alleged offences is only 3 years and hence the impugned final report which is filed on 09.08.2019 for the alleged occurrence that took place on 17.12.2015 is barred by limitation; and that the respondent had not filed any application for extension of period of limitation under Section 473 Cr.P.C. as well.

4. The learned counsel for the de facto complainant would submit that there are materials in the final report to suggest that the petitioners are



guilty of the offences alleged; that the de facto complainant had lodged the complaint immediately after the petitioners had abused her in filthy language and hence prayed for the dismissal of this quash petition.

5. The learned Additional Public Prosecutor reiterated the submission made by the learned counsel for the de facto complainant and prayed for the dismissal of this quash petition.

6. This Court on perusal of the impugned final report finds that the alleged occurrence took place on 17.12.2015. The offences alleged in the final report are under Sections 341, 294(b), 506(i) IPC & Section 4 of the Tamil Nadu Prevention of Women Harassment Act 2002. The maximum sentence for the offence is provided in Section 4 of the Tamil Nadu Prevention of Women Harassment Act 2002, which is 3 years. The other offences are punishable with a lesser term of imprisonment. Hence, the impugned final report which has been filed beyond the period of 3 years is barred by limitation. Hence, this Court is inclined to quash the final report.



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**WEB COPY** 7. Accordingly, the Criminal Original Petition stands allowed.

Consequently, the connected Miscellaneous Petitions are closed.

**20.04.2023**

Index : Yes/No  
Internet : Yes/No  
Neutral Citation :Yes/No  
shr

To

1. The Inspector of Police,  
N-3, Muthialpet Police Station,  
Chennai-1.
  
- 2.The XVI Metropolitan Magistrate,  
George Town, Chennai.



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**SUNDER MOHAN. J,**

shr

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**20.04.2023**