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Crl.O.P.No.32023 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.32023 of 2022

and

Crl.M.P.No.19688 of 2022

Shanthi

... Petitioner

-VS-

1. The State, Rep. by its
Inspector of Police,
Valangaiman Police Station,
Thiruvarur.
(Crime No.97 of 2015).

2.Kannan

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, call for the records in Crime No.97 of 2015, on the file of Inspector of Police, Valangaiman Police Station, Thiruvarur and quash the same.

For Petitioner : Mr.M.Vinoth

For 1st Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petition to quash the F.I.R., registered in Crime No.97 of 2015, on the file of Inspector of Police, Valangaiman Police Station, Thiruvarur for the



alleged offence under Sections 342, 323, 324 of IPC.

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2. The learned counsel for the petitioner would submit that the complainant is one Kannan and the petitioner is none other than his own wife shown as 2nd accused in the complaint. He would further submit that the alleged offence mentioned in the complaint does not warrants punishment of imprisonment more than three years and therefore, after lapse of 8 years, cognizance of those evidence cannot be taken by the Judicial Magistrate.

3. However, the learned Government Advocate (Crl.Side) states that on completion of investigation final report filed before the learned Judicial Magistrate, Valangaiman in SR No.764 of 2023 and the same is yet to be taken on file.

4. The points raised by the petitioner herein regarding limitation to take cognizance, subject to the provision under Sections 468 and 469 will certainly be taken note by the learned Judicial Magistrate, before taking cognizance of the final report and therefore, it is left open to the petitioner to agitate the points in the later course of proceedings, if necessary.

5. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.



Index : Yes/No

Neutral Citation : Yes/No
ssn

To

1. Inspector of Police,
Valangaiman Police Station,
Thiruvavarur.
2. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.,

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WEB COPY

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