



WEB COPY

Crl.O.P.No.26792 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26792 of 2023

M/s.NPL (Narendra Properties Ltd),
Represented by
Mr.Ragavendiran Linganathan @ Ragavan

... Petitioner

-VS-

1.State by
The Inspector of Police,
D-2 Police Station,
Anna Salai, Chennai – 600 002.

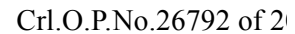
2.Mr.David Prabhu

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in FIR in Crime No.171 of 2018 now pending investigation on the file of the first respondent and quash the same.

For Petitioner : Mr.Praveen Alexander

For Respondent No.1 :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



COPY

The petitioner herein is the representative of M/s.NPL (Narendra Properties Ltd), and the suspected accused in FIR in Crime No.171 of 2018 dated 09.06.2018 for offence under Sections 287 & 337 of IPC is before this Court to quash the FIR stating that the complaint registered by the respondent police based on the oral statement given by one of the injured victim in the industrial accident is under investigation for more than five years, despite one of the injured employee had given an affidavit stating that the Management has taken care of his medical expenses and he has no grievance against that Management, the police has not completed the investigation and filed final report. As a consequence, the Passport Authority has issued show cause notice to recall the passport, in view of the pendency of the criminal case under investigation.

2. The learned Government Advocate submits that the investigation in this case is completed and within 15 days final report will be filed.

3. The learned counsel appearing for the petitioner submits that due to pendency of this case for more than 5 years and adverse police report sent to the passport office, the petitioner has received a show cause notice from the Regional Passport Office, Chennai dated 27.10.2023, why his passport should not be impounded.



4. The learned counsel for the petitioner further contend that the alleged offence for which, the case is registered is for negligence leading to lift accident in the construction spot, causing simple injury for one person and causing grievous injury for two persons, one among the person who sustained grievous injury has already reported to the Police not to take any action, he is the defacto complainant.

5. As far as the petitioner is concerned who is Site Engineer of the Accused Company. The alleged offence are under Sections 287 & 337 of IPC, wherein the punishment prescribed is less than three years imprisonment. Since the punishment is less than three years of imprisonment, the limitation to take cognizance is only three years from the date of knowledge of the incident, whereas already five years have lapsed in this case. No plausible explanation could be placed before this Court by the Investigation Officer for the delay in filing final report.

6. In view of the said facts, it is appropriate to quash the case in Cr.No.171 of 2018 on the ground of limitation even if not for other reasons. Accordingly, this petition is allowed and the FIR is quashed.

27.11.2023

Internet : Yes/No
Index : Yes/No
rkp



Crl.O.P.No.26792 of 2



Dr.G.JAYACHANDRAN,J.
rkp

To

1. The Inspector of Police,
D-2 Police Station,
Anna Salai, Chennai – 600 002.
2. The Public Prosecutor,
Madras High Court, Madras.

Crl.O.P.No.26792 of 2023

27.11.2023