



Crl.O.P.(MD) No.1563 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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Syed Shahul Hammed

: Petitioner

Vs

1.State rep by
The Inspector of Police,
D1-Tallakulam Police Station,
Madurai.

2.P.Kasthuri

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to case in Crime No.605 of 2016 on the file of the first respondent and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.A.Jayaramachandran
For R1 : Mr.R.Sivakumar
Government Advocate (Crl.Side)



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ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.605 of 2016, dated 02.04.2016, on the file of the first respondent police.

2.The learned Counsel appearing for the petitioner would submit that the alleged occurrence is said to have taken place on 01.04.2016 and the case has been registered for offences under Sections 323, 354, 355 of IPC Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. He would further submit that despite the case being registered on 02.04.2016, the respondent police has not file the final report till date, thereby, the further proceedings is barred by limitation. He would seek to quash the FIR in Crime No.605 of 2016.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the final report is ready and in view of the judgment passed by the Hon'ble Supreme Court in the case of ***Udai Shankar Awasthi Vs. State of Uttar Pradesh and another***, reported in ***2013 (2) SCC 435*** and in the case of ***Amritlal Vs. Shantilal Soni & Ors***, reported in 2022



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Live Law(SC) 248, the case is not barred by limitation. Further he would submit that the final report is likely to be filed within a short period.

4. At this juncture, the learned Counsel appearing for the petitioner submitted that a direction may be issued to the first respondent to file a final report at the earliest before the concerned Court and also issue a direction to the concerned Judge to take the final report on file and dispose of the same as expeditiously as possible.

5.Considering the request made by the learned counsel for the petitioner, there shall be direction to the first respondent police to complete the investigation and file a final report before the concerned Court, within a period of one month from the date of receipt of a copy of this order. After filing the final report, the concerned Judge shall take the final report on file and dispose of the same within a period of one year from the date of filing the final report.

With the above directions, this Criminal Original Petition is disposed of.

27.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

1. The Inspector of Police,
D1-Tallakulam Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.

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