



Crl.O.P.(MD) No.1278 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD) No.1278 of 2023

and

Crl.M.P.(MD) No.1141 of 2023

Vijayasekar,

: Petitioner

Vs

1. The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.547 of 2015)

2. S.Jeyarani,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records on the file of the first respondent, Suchindram Police Station, Kanyakumari District, in Crime No.547 of 2015, dated 13.07.2015 and to quash the same as against the petitioner.



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For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.547 of 2015, dated 13.07.2015, on the file of the first respondent, Suchindram Police Station, Kanyakumari District.

2.The learned Counsel appearing for the petitioner would submit that the offences as stated was taken place on 13.07.2015 and the case has been registered for offences under Sections 147, 148, 442, 294(b), 323, 427, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. He would further submit that despite the case being registered on 13.07.2015, 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.547 of 2015.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that there are materials available as against the petitioner for the alleged offences. He would further submit that the



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complaint has been given within time and he would submit that as on date, the charge sheet 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 Live Law(SC) 248, the case is not barred by limitation. Further he would submit that the charge sheet is likely to be filed within a period of one week.

4. At this juncture, the learned Counsel appearing for the petitioner would seek to withdraw this petition with liberty to challenge the final report.

5. Therefore, this Criminal Original Petition stands dismissed as withdrawn. The petitioner is at liberty to challenge the final report, if so advised. Consequently, the connected Miscellaneous Petition is closed.

27.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
lr

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To

1. The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.

lr

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