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Crl.O.P.(MD)No.2497 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.2497 of 2023

1.Pitchai Velanganni

2.Mariya Sepasthiyan

... Petitioners/Accused Nos.1 & 2

Vs.

State rep. by the
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
(Crime No.734 of 2019

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to of impugned F.I.R.in Crime No.734 of 2019 on the file of the respondent dated 11.12.2019 and quash the same.

For Petitioner : Mr.A.Chandrakumar

For Respondents : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)

Mr.S.Vinayak for R2

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No. 734 of 2019 on the file of the 1st respondent police.



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2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No. 734 of 2019 for the offences punishable under Sections 379 of IPC against the petitioners. The grievance of the petitioner is that though the case was registered in the year 2019, the final report was filed only in the year 2020.

3.The learned Government Advocate (Crl. Side) submitted that since the final report has been filed before the concerned Court, the FIR cannot be quashed. Under Section 468 of Cr.P.C. the date of presentation and the crucial point is important. But, here, it appears that though the final report was filed in time, it was returned by the Court for some rectifications. After the period of limitation it was not represented. So automatically, even the original date of presentation was within the time, it is barred by limitation, because of non-representation. It is also seen that the above said final report was returned before the Circular issued by the High Court, advising the trial court not to return the final report due to defects.



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4.If the respondent got any doubt with regard to the maintainability of the final report, he ought to have obtained proper advice from the concerned Adviser or the Superintendent of Police. It appears that so far no such advise has been sought. But they are waiting for the official process to be completed. But that cannot be taken into account.

5.In view of the above, the FIR in Crime No.734 of 2019 on the file of the first respondent is liable to be quashed. Accordingly, this criminal original petition is allowed. The FIR in crime No.734 of 2019 on the file of the first respondent is hereby quashed in respect of the petitioners are concerned.

24.04.2023

Index : Yes/No
Internet : Yes/No
TM

To

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



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G.ILANGOVAN. J.

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