



Crl.O.P.(MD)No.2631 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.2631 of 2023

and

Crl.M.P.(MD)No.2370 of 2023

1.Ilayaraja

2.John Joseph

... Petitioners/
Accused 1 & 2

Vs.

1.State through its
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.313 of 2017)

... 1st Respondent/
Complainant

2.Palpandi

... 2nd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.313 of 2017 on the file of the first respondent police and quash the same in respect of the petitioners are concerned.

1/6



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For Petitioners : M/s.T.A.Ebenezer
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records in Crime No.313 of 2017 on the file of the first respondent police and quash the same in respect of the petitioners are concerned.

2. The case of the prosecution is that the second respondent/ defacto complainant is the Village Administrative Officer of Chettinayakkan Patti Group, Dindigul West, who gave a complaint before the first respondent stating that on 02.10.2017, the petitioners along with three other accused had tried to drop dye wastages by using tow lorries in the village. Based upon the complaint given by the second respondent, a case in Crime No.313 of 2017 has been registered on 02.10.2017, for the offences punishable under Sections 284 and 269 IPC against five persons including the petitioners herein.



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3. Seeking quashment of the same, the petitioners have come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioners i.e., the maximum punishment for the offence under Section 284 IPC is six months or with fine of Rs.1,000/- or both and maximum punishment for 269 IPC is six months or with fine or both. So the cognizance barred by limitation since final report is not filed so far.

4. Since the occurrence took place on 02.10.2017, as per section 468(2)(b) Cr.P.C., within a year Final Report ought to have been filed before the concerned Court. But, in the present case, even after a lapse of more than five years from the date of occurrence, Final Report has not yet been presented before the concerned Court, which is barred by limitation.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that on verification with the Investigating Officer, it is revealed that so far no Final Report has been presented before the concerned Court.



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6. Heard both sides.

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7. It is seen from the records that occurrence took place on 02.10.2017 and till now no Final Report has been filed. Also a petition seeking extension of time under Section 473 Cr.P.C. has also not been filed before the concerned Court.

8. In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in Crime No.313 of 2017, pending on the file of the Sub Inspector of Police, Dhadikombu Police Station, Dindigul is hereby quashed as against the petitioners herein. Consequently, connected Miscellaneous Petition is closed.

14.02.2023

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



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To

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



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G.ILANGO VAN,J.

csmlr

Order made in
Crl.O.P.(MD)No.2631 of 2023
and
Crl.M.P.(MD)No.2370 of 2023

Dated: 14.02.2023