



Crl.O.P.(MD)No.2665 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.2665 of 2023

1. Karthick
2. Senthur Pandian
3. Kannan
4. Gopi
5. Sankar Ganesh
6. Sankar

... Petitioners

Vs.

1. The State
Rep. by Inspector of Police,
Surandai Police Station,
Tenkasi District.
(In Crime No. 116/2021)
2. Mr.G. Jeyaraj
Sub Inspector of Police,
Surandai Police Station,
Tenkasi District

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned complaint in S.T.C.No. 1339 of 2022 on the file of the learned Judicial Magistrate, Alangulam and quash the same in so far as the petitioners are concerned.



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For Petitioners	: Mr.S. Sarvagan Prabhu
For Respondents	: Mr.B.Nambiselvan
	Additional Public Prosecutor

ORDER

This petition is filed seeking quashment S.T.C.No. 1339 of 2022 on the file of the learned Judicial Magistrate, Alangulam.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

3.The case of the petitioners is that on 08.03.2021, the petitioners herein indulged in protest against the Government order for giving 10.5% quota for particular community in the state. Hence, a case in Crime No.116 of 2021 for the offences punishable under Section 143 and 283 of IPC has been registered against the petitioners. After completing the investigation, the first respondent has filed the final report before the concerned Judicial Magistrate and the same was taken on file in S.T.C.No.1339 of 2022. The present petition is filed to quash the S.T.C.No. 1339 of 2022 on the file of the learned Judicial Magistrate, Alangulam.



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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 143 IPC is six months or with fine or both and maximum punishment for 283 IPC with fine Rs.200/-(Rupees Two Hundred only).

4. Since the FIR is registered on 14.03.2021, 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 a year from the date of FIR (i.e) on 21.11.2022, Final Report has 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 the Final Report has been presented before the concerned Court on 21.11.2022.

6. Heard both sides.

7. It is seen from the records that FIR registered on 14.03.2023 and the final report has been filed only on 21.11.2022 (I.e) after a period of one year.



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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 S.T.C.No..1339 of 2022, pending on the file of the learned Judicial Magistrate, Alangulam, is hereby quashed as against the petitioners herein.

09.03.2023

Index : Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
Surandai Police Station,
Tenkasi District.
2. Mr.G. Jeyaraj
Sub Inspector of Police,
Surandai Police Station,
Tenkasi District
3. Additional Public Prosecutor
Madurai Bench of Madras High Court



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G.ILANGO VAN, J.,

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