



Crl.O.P.(MD) No.2854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.2854 of 2023

and

Crl.M.P(MD) No.2610 of 2023

Samyan @ Arunachalam,

: Petitioner

Vs

1. State through
The Inspector of Police,
Kadupatty Police Station,
Madurai District
(Crime No.146 of 2018).

2. Pandi,
Special Sub Inspector of Police,
Kadupatty Police Station,
Madurai District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in the case of Crime No.146 of 2018, on the file of the first respondent police station and quash the same as against the petitioners alone.



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For Petitioner : Mr.N.Saravana Kumar
For R1 : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.146 of 2018, on the file of the first respondent police station.

2. The case of the prosecution is that on 12.09.2018, when the defacto complainant/second respondent on his duty, found some banners at the street of Kallangadu, which were kept without prior permission. Based upon the complaint given by the second respondent, a case in Crime No.146/2018 has been registered on 12.09.2018, for the offence punishable under Section 4(1) of Tamil nadu Open Places (Prevention of Disfigurement), Act, 1959, against six persons including the petitioner herein.

3. Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioner i.e., the maximum punishment for the offence under



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Section 4(1) of Tamil nadu Open Places (Prevention of Disfigurement), Act,

1959 is imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both. So the cognizance barred by limitation since final report is not filed so far.

4. Since the occurrence took place on 12.09.2018, 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.

6. Heard both sides.



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7. It is seen from the records that occurrence took place on 12.09.2018 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.146 of 2018, pending on the file of the Inspector of Police, Kadupatty Police Station, Madurai is hereby quashed as against the petitioner herein. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

Internet: Yes
Index: Yes/No

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To

1. The Inspector of Police,
Kadupatty Police Station,
Madurai District

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGOVA, J.

lr

ORDER IN
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