



Crl.O.P.(MD) No.3005 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.3005 of 2023
and Crl.MP(MD)No.2748 of 2023

Vedan

... Petitioner

Vs

1. The Sub Inspector of Police,
Kariapatti Police Station, Virudhunagar District
(Crime No.13 of 2017).

2. Ashok Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in the case in PRC No.90 of 2022 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal, violation of law as against the petitioner/accused No.1.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.M.Vaikkam Karunanithi (R1)
Government Advocate (Crl)



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ORDER

This Criminal Original Petition had been filed seeking for a direction to quash the impugned Charge Sheet in PRC No.90 of 2022 so far as the petitioner is concerned pending on the file of the learned Judicial Magistrate No.II, Virudhunagar.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.13 of 2017 for the offences punishable under Sections 294(b), 353, 506(i), 379 IPC as against the petitioner and other accused persons. The grievance of the petitioner is that though the case was registered on 13.01.2017, final report has been filed before the concerned Court only on 04.11.2022, which is beyond the period of limitation.

3.The learned Government Advocate (Crl. Side) submitted that though final report was made ready on 10.02.2019, the same was not presented before the trial Court within the stipulated time. After expiry of the stipulated period, only on 04.11.2022 the final report has been filed before the



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learned Judicial Magistrate No.II, Virudhunagar and the same was taken cognizance in PRC No.90 of 2022.

4.Considering the nature of offence made out against the petitioner, in this case, though FIR has been registered on 13.01.2017, after a lapse of 5 years, final report was filed before the concerned Court, which is barred by limitation under Section 468 of Cr.P.C. Therefore, this Court is inclined to allow this petition.

5.Accordingly, this Criminal Original Petition is allowed and the impugned Charge Sheet in PRC No.90 of 2022 so far as the petitioner is concerned pending on the file of the learned Judicial Magistrate No.II, Virudhunagar is hereby quashed. Consequently, connected miscellaneous petition is closed.

31.10.2023

NCC:Yes/No
Internet:Yes/No
Index:Yes/No
PNM



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To

1. The Judicial Magistrate No.II, Virudhunagar
2. The Sub Inspector of Police,
Kariapatti Police Station, Virudhunagar District
(Crime No.13 of 2017).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

PNM

ORDER IN
Crl.O.P.(MD) No.3005 of 2023
and Crl.MP(MD)No.2748 of 2023

31.10.2023