



CrI.O.P.(MD)No.4645 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.4645 of 2023

and

CrI.M.P(MD) Nos.4069 of 2023

1. A. Raja @ Durkairaj
2. K. Sekar
3. K. Jawagar Babu @ Babu
4. K. Sivasekar
5. S. Kannan
6. C. Surya

... Petitioners/Accused Nos. 1,6,7,12,13

Vs.

- 1.State Represented by
The Inspector of Police
Palani Town Police Station,
Dindigul District
(In Crime No.1589 of 2020)

... 1st Respondent / Complainant

2. Mrs. Ramani
The Village Administrative Officer,
Ayakudi,
Palani Town,
Dindigul District.

...2nd Respondent/ Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Impugned First Information Report in Crime No.1589 of 2020 dated 09.12.2020 on the file of the Respondent No. 1 registered under sections 143, 341 of IPC r/w Section 3 of Epidemic Disease Act and quash the same as illegal.



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For Petitioners : Mr. T.Thirumurugan

For Respondents : Mr. B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records in Crime No.1589 of 2020 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 Ayakudi, Palani Town, Dindigul District., who gave a complaint before the first respondent stating that on 09.12.2020, the petitioners along with other accused had conducted an agitation with an objective of supporting the farmers, who were involved in protest, which had been held at New Delhi for the withdrawal of the Three Farm Laws during the Covid-19 situation without prior permission. Based upon the complaint given by the second respondent, a case in Crime No.1589 of 2020 has been registered on 09.12.2020, for the offences punishable under Sections 143 and 341 IPC r/w. Section 3 of Epidemic Diseases Act against nineteen 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 143 IPC is six months or with or both, maximum punishment for 341 IPC is one month or with fine or both and punishment for Section 3 of Epidemic Diseases Act is six months, under Section 188 of IPC. So the cognizance barred by limitation since final report is not filed so far.

4. Since the occurrence took place on 09.12.2020, 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 2 1/2 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 09.12.2020 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.1589 of 2020, pending on the file of the Inspector of Police, Palani Town Police Station, Dindigul, is hereby quashed as against the petitioners herein. Consequently, connected Miscellaneous Petition is closed.

13.03.2023

NCC:Yes/No
Index : Yes/No
Internet:Yes/No
Indu

To
1.The Inspector of Police
Palani Town Police Station,
Dindigul District

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



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G.ILANGO VAN, J.,

Indu

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