

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.4144 of 2023

and

Crl.M.P(MD) No.3693 of 2023

Partheepan

... Petitioner/ Accused No.1

Vs.

1.State Represented by

The Inspector of Police

Panagudi Police Station,

Tirunelveli District.

(In Crime No.494 of 2013)

... 1st Respondent/Complainant

2. Lasar

...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 case registered in Impugned First Information Report in Crime No.494 of 2013 on the file of the 1st Respondent Police and quash against this petitioner as illegal.

For Petitioners

: Mr.B.Arun

For R1

: 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 pertaining to the case registered in Impugned First Information Report in Crime No.494 of 2013 on the file of the 1st Respondent Police and quash against this petitioner as illegal.

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.494 of 2013 for the offences punishable under Sections 379, 511 IPC against the petitioner. The grievance of the petitioner is that though the case was registered in the year 2013, so far no final report has been filed before the concerned Court. Section 174 of Cr.P.C. may not be attracted against this petitioner.

3.The learned Government Advocate (Crl. Side) submitted that so far final report has not been filed before the concerned Court.

4.Considering the nature of offence made out against the petitioner, this Court is of the view that since even after a lapse of 9 ½ years, the final report has not been filed before the Concerned Court, it is barred by limitation under Section 468 of Cr.P.C . Therefore, this Court is inclined to allow this petition.

5.This criminal original petition is allowed and the FIR in Crime No. 494 of 2013 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

07.03.2023

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

To

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

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G.ILANGOVAN, J.,

Indu

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