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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.4322 of 2023
and Crl.M.P(MD) No.3817 of 2023

Karunakaran ... Petitioner/Accused No.1

Vs.

1. The State, represented by
The Inspector of Police,
Pudukkottai Police Station,
Tuticorin District.
(Crime No.39/2018) ...1st Respondent/Complainant

2. D.Santhakumari ...2nd Respondent/Defacto Complainant

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 Crime No.39 of 2018 dated 29.01.2018 pending on the file of the respondent police and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Sarvagan prabhu

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 connection with the

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impugned complaint in Crime No.39 of 2018 dated 29.01.2018 pending on the file of the respondent police and quash the same in so far as the petitioner is concerned.

2. The case of the prosecution is that the second respondent/ defacto complainant along with her Police party on regular patrol that the petitioner along with 217 members conducting agitation against the bus fare hike made by the Tamil Nadu Government, without any permission opposite to Mookambigai Medical at Pudukkottai Bazaar. Based upon the complaint given by the second respondent, a case in Crime No.39 of 2018 has been registered on 29.01.2018, for the offences punishable under Sections 143, 341 and 188 IPC against 218 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 Section 143 IPC is six months or with fine or both, maximum punishment for 341 IPC is one month or with fine or both and maximum punishment for 188 IPC is six months or with fine or both. So the cognizance barred by limitation since final report is not filed so far.

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4. Since the occurrence took place on 29.01.2018, 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 four 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.

7. It is seen from the records that occurrence took place on 29.01.2018 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.39 of 2018, pending on the file of the Inspector of

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Police, Pudukkottai Police Station, Tuticorin District, is hereby quashed as against the petitioner herein. Consequently, connected Miscellaneous Petition is closed.

06.03.2023

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

To
1.The Inspector of Police
Pudukkottai Police Station,
Tuticorin 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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