



Cr.L.O.P.(MD)No.4501 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Cr.L.O.P.(MD)No.4501 of 2023

and

Cr.L.M.P(MD) No.3957 of 2023

1. Muthukumar ... Petitioner/ Sole Accused

Vs.

1.State through
The Inspector of Police
Usilampatti Town Police Station,
Usilampatti,
Madurai District.
(In Crime No.11 of 2020)

... 1st Respondent / Complainant

2. Mahalakshmi

...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 First Information Report in Crime No.11 of 2020 dated 08.01.2020 alleged offence under section 279 and 304(A) of IPC on the file of the 1st respondent Police and quash the same as illegal.

For Petitioners : Mr. M.Maran

For Respondents : Mr.B. Nambiselvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.11 of 2020 dated 08.01.2020 alleged offence under section 279 and 304(A) of IPC on the file of the 1st respondent Police and quash the same as illegal.

2. The case of the prosecution is that the second respondent/defacto complainant is the wife of the deceased and she was informed that her husband was fell down from the bus, after that her husband was admitted in hospital and later died. Based on the above said occurrence, the defacto complainant has given a complaint before the first respondent. Based upon the complaint given by the second respondent/defacto complainant, a case in Crime No.11 of 2020 has been registered on 08.01.2020, for the offences punishable under Sections 279 and 304(A) IPC against 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 279 IPC is six months or with fine of Rs.1,000/- or both and maximum punishment for 304(A) IPC is two years or with fine or both. So the



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cognizance barred by limitation since final report is not filed so far.

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4. Since the occurrence took place on 09.11.2018, 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 09.11.2018 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.



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8. In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in Crime No.11 of 2020, pending on the file of the Inspector of Police, Usilampatti Town Police Station, Madurai, is hereby quashed as against the petitioner herein. Consequently, connected Miscellaneous Petition is closed.

10.03.2023

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

To

- 1.The Superintendent of Police,
O/o. of the Superintendent of Police,
Madurai City.
- 2.The Inspector of Police
Usilampatti Town Police Station,
Usilampatti,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.,

Indu

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