



Crl.O.P.(MD)No.4718 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.4718 of 2023

and

Crl.M.P(MD) No.4142 of 2023

Mohamed Jameel

... Petitioner/Accused No. 1

Vs.

1. State Represented by
The Inspector of Police
Kenikkarai Police Station,
Ramanathapuram District
(In Crime No. 491 of 2019)

...1st Respondent/Complainant

2. Mohamed Pathivulla

...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.491 of 2019 on the file of the 1st Respondent Police and Quash the same as illegal.

For Petitioner : Mr.B.Arun

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 case registered in impugned First Information Report in Crime No.491 of 2019 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 had lodged a complaint against the petitioner stating that the petitioner scolded the second respondent using filthy language and assaulted with hands and knife. Based upon the complaint given by the second respondent, a case in Crime No.491 of 2019 has been registered on 29.12.2019, for the offences punishable under Sections 341, 294(b), 323, 324, 336 and 506(i) IPC against three persons including the petitioner herein.

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 petitioner i.e., the maximum punishment for the offence under Section 341 IPC is one months or with fine or both; maximum punishment for 294(b) IPC is three months or with fine or both; maximum punishment for 323 IPC is one year or with fine or both; maximum punishment for 324 IPC is three years or with fine or both; maximum punishment for 336 IPC is three



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months or with fine or both; maximum punishment for 506(i) IPC is two years or with fine or both. So the cognizance barred by limitation since final report is not filed so far.

4. Since the occurrence took place on 29.12.2019, as per section 468(2) (b) Cr.P.C., within three years 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 29.12.2019 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.491 of 2019, pending on the file of the Inspector of Police, Kenikkarai Police Station, Ramanathapuram, is hereby quashed as against the petitioner herein. Consequently, connected Miscellaneous Petition is closed.

14.03.2023

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

To

- 1.The Inspector of Police
Kenikkarai Police Station,
Ramanathapuram 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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