



CrI.O.P.(MD)No.4746 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.JLANGOVAN

CrI.O.P.(MD)No.4746 of 2023

Mohammed Rishwan @
Mohamed Riswanul Asraf

... Petitioner/Accused-2

Vs.

1. State of Tamil Nadu represented by,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No. 26 of 2019)

....1st Respondent/ Complainant

2. Salahudeen

... 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 charge sheet in CC.No.22/2023 on the file of the Judicial Magistrate No.1, Ramanathapuram, and quash the same as illegal.

For Petitioner : Mr.Mahendrarajan.B

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed seeking to call for the records pertaining to charge sheet in CC.No.22/2023 on the file of the Judicial Magistrate No.1, Ramanathapuram, and quash the same as illegal.



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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.26 of 2019 for the offences punishable under Sections 379 IPC against the petitioner. The grievance of the petitioner is that though the case was registered on 04.02.2019, the Final Report was filed before the concerned Court through e-filing only on 22.08.2022.

3. Since the occurrence took place on 02.02.2019, 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, after lapse of 3 ½ years from the date of occurrence, Final Report has been presented before the concerned Court, which is barred by limitation.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that on verification with the investigating officer, it is revealed that the Final Report has been presented before the concerned Court only on 22.08.2022 through e-filing.

5. Heard both sides.



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6. It is seen from the records that the occurrence took place on 02.02.2019 and the Final Report has been filed before the concerned Court on 22.08.2022 much after the bar of limitation. Also a petition seeking extension of time under Section 473 Cr.P.C. has also not been filed before the concerned Court.

7. In view of the forgoing reasons, this Criminal Original Petition is allowed. C.C.No.22 of 2023 on the file of the learned Judicial Magistrate No.1, Ramanathapuram, is hereby quashed as against the petitioner herein.

14.03.2023

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

To

1. The Inspector of Police,
Devipattinam 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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