



CrI.O.P.(MD)No.5251 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.JLANGOVAN

CrI.O.P.(MD)No.5251 of 2023

- 1.Kalanthar Ansari
- 2.Tamim Ansari
- 3.Mubarak
- 4.Mohamed Hanifa
- 5.Syed Mohamed

... Petitioners

Vs.

- 1.The State rep. by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District
(Crime No.78 of 2020)
- 2.Sivanantham,
Special Sub-Inspector of Police,
S.P. Pattinam Police Station,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the FIR in Crime No.78 of 2020 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : Mr.A.V.Arun

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.78 of 2020 on the file of the 1st respondent police.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.78 of 2020 for the offences punishable under Sections 188, 269 of IPC, 134 of Tamil Nadu Health Act, 3, 51(b) of Epidemic Disease Act and Section 11(1)(1) of Prevention of Cruelty to Animals Act, 1980 against the petitioners. The grievance of the petitioners is that though the case was registered in the year 2020, so far no final report has been filed before the concerned Court.

3. The learned Additional Public Prosecutor 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.

4. Heard both sides.



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5. It is seen from the records that occurrence took place on 19.04.2020 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.

6.Considering the nature of offence made out against the petitioners, this Court is of the view that since even after a lapse of 3 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.

7. This criminal original petition is allowed and the FIR in Crime No. 78 of 2020 on the file of the respondent police is hereby quashed as against the petitioners herein.

21.03.2023

Index : Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.,

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