



Crl.O.P.(MD)No.7391 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.7391 of 2023

and

Crl.M.P.(MD)Nos.6446 and 6448 of 2023

Valliprapakaran

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime.No.343/2020)

... 1st Respondent/Complainant

2.Jawahar

... 2nd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.T.C. No.1480 of 2022 pending on the file of the Judicial Magistrate, Alangulam and quash the same.

For Petitioner : Mr.Kumar.S

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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This petition is filed seeking quashment S.T.C.No. 1480 of 2022 on the file of the learned Judicial Magistrate, Alangulam.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3.The case of the petitioner is that on 25.07.2020, the petitioner herein abused the defacto complainant in filthy language. Hence, a case in Crime No.343 of 2020 for the offences punishable under Section 294(b) IPC has been registered against the petitioner. After completing the investigation, the first respondent has filed the final report before the concerned Judicial Magistrate and the same was taken on file in S.T.C.No.1480 of 2022. The present petition is filed to quash the S.T.C.No. 1480 of 2022 on the file of the learned Judicial Magistrate, Alangulam.



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4. Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the offence alleged against the petitioner i.e., the maximum punishment for the offence under Section 294(b) IPC is three months or with fine or both.

5. Since the FIR is registered on 01.08.2020, 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 a year from the date of FIR (i.e) on 07.12.2022, Final Report has been presented before the concerned Court, which is barred by limitation.

6. The learned Additional Public Prosecutor 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 on 07.12.2022.

7. Heard both sides.

8. It is seen from the records that FIR registered on 01.08.2020 and



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the final report has been filed only on 07.12.2022 (i.e.,) after a period of one year. Also a petition seeking extension of time under Section 473 Cr.P.C., has also not been filed before the concerned Court.

9. In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in S.T.C.No..1480 of 2022, pending on the file of the learned Judicial Magistrate, Alangulam, is hereby quashed as against the petitioner herein. Consequently, the connected Miscellaneous Petitions are closed.

21.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
trp



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- To
- 1.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

trp

Order made in
Crl.O.P.(MD)No.7391 of 2023
and
Crl.M.P.(MD)No.6446 and 6448 of 2023

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