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Crl.O.P.(MD)No.11039 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.11039 of 2023
and Crl.M.P.(MD).No.8768 of 2023

Sankara Guru Moorthy

... Petitioner/Sole Accused

Vs.

1.State rep. by
Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.38 of 2022)

... 1st Respondent/Complainant

2.Ravisankar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.38 of 2022 dated 07.02.2022 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.S.Maya Perumal

For Respondents : Mr.B.Nambiselvan for R1
Additional Public Prosecutor



ORDER

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This petition has been filed seeking to quash the impugned FIR in Crime No.38 of 2022 on the file of the 1st respondent police.

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.38 of 2022 for the offences punishable under Sections 294(b) of IPC against the petitioner. The grievance of the petitioner is that though the case was registered in the year 2022, so far no final report has been filed before the concerned Court.

3.The learned Government Advocate (Crl. Side) submitted that final report is made ready, but not filed before the concerned Court.

4.Considering the nature of offence made out against the petitioner, this Court is of the view that since even after a lapse of 1 ½ 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.



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5.This criminal original petition is allowed and the FIR in Crime No.38 of 2022 on the file of the respondent police is hereby quashed.

Consequently, connected miscellaneous petition is closed.

21.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
TM

To

1.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

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



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G.ILANGOVAN. J.

TM

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