



Crl.O.P.(MD)No.11904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.JLANGOVAN

Crl.O.P.(MD)No.11904 of 2023

and

Crl.M.P.(MD)No.9370 of 2023

Shanthi

..... Petitioner/Sole Accused

Vs.

1.State through

The Sub Inspector of Police,
Virudhunagar west police station
Virudhunagar District,
Crime No.55/2023.

..... Respondent/ Complainant

2.Kaliraj

..... Respondent/ Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of First Information Report in Crime No.55 of 2021 pending on the file of the 1st respondent police and quash the same in respect of petitioner herein.

For Petitioner

: Mr.G.Mariappan

For R1

: Mr. B. Nambiselvan
Additional Public Prosecutor



Crl.O.P.(MD)No.11904 of 2023

ORDER

WEB COPY

This petition has been filed seeking to quash the impugned FIR in Crime No.55 of 2021 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.55 of 2021 for the offences punishable under Sections 143 and 341 of IPC and Sections 4A(1a) and 4B of TN Open Places (Prevention of Disfigurement) Act, 1959, against the petitioner. The grievance of the petitioner is that though the case was registered in the year 2021, 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.



CrI.O.P.(MD)No.11904 of 2023

5. It is seen from the records that occurrence took place on 28.03.2021 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 petitioner, this Court is of the view that since even after a lapse of 2 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. 55 of 2021 on the file of the respondent police is hereby quashed as against the petitioner herein. Consequently, connected miscellaneous petition stands closed.

30.06.2023

NCC : Yes / No

Index : Yes/No

Internet:Yes/No

pnn



WEB COPY



Crl.O.P.(MD)No.11904 of 2023

G.ILANGO VAN, J.,

pnn

To

- 1.The Sub Inspector of Police,
Virudhunagar west police station
Virudhunagar District,
Crime No.55/2023.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.11904 of 2023
and
Crl.M.P.(MD)No.9370 of 2023

30.06.2023